reason
Free Minds and Free Markets

Why Hippies and Rednecks Can Be Friends

THE DEATH OF SOCIAL SECURITY

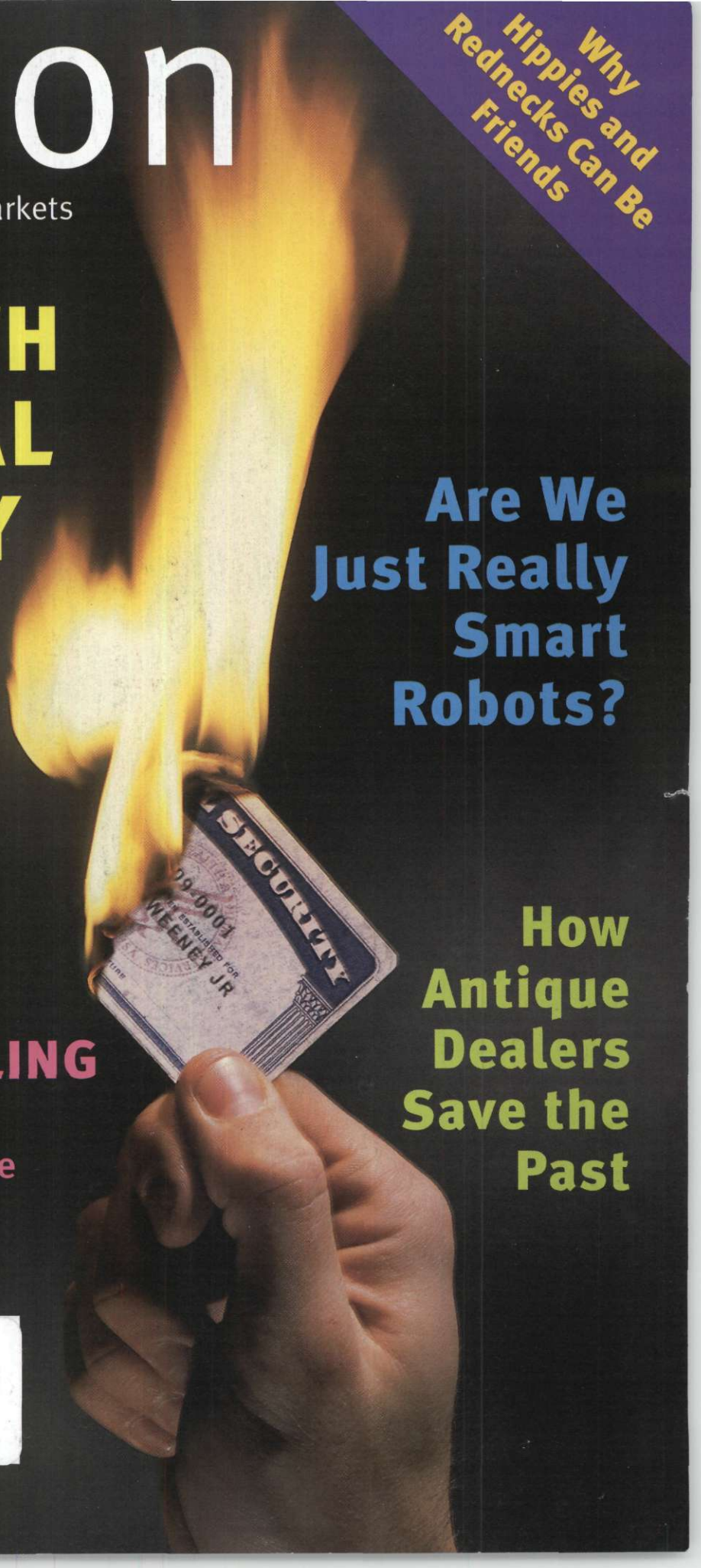
Debating private retirement accounts with James K. Glassman and Tyler Cowen

Are We Just Really Smart Robots?

How Antique Dealers Save the Past

HOMESCHOOLING ALONE

Why reformers ignore the real revolution in education



LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

MINIMIZE YOUR TAXES. MAXIMIZE YOUR CHARITABLE IMPACT.

With DonorsTrust, you have even more options than you might imagine.

For instance, you don't have to make hasty charitable decisions to meet the December 31 deadline. When you open a donor-advised account with DonorsTrust, you immediately get the highest charitable tax deduction allowed by law. If you give appreciated assets, you won't pay any capital gains taxes. Later, as you decide which charitable organizations best fit your philanthropic goals, you can request disbursements from your account.

Our mission at DonorsTrust is to support only those public charities that promote liberty through limited government, personal responsibility, and free enterprise. If that reflects your intent as a donor, you won't find a more reliable ally. "Trust" isn't just part of our name; it's our commitment to respect your charitable intent.

Ask us about our wide variety of funds and foundation-style services. They're all designed to give you convenient, flexible options for reducing your taxes while defending America's priceless liberty.

Smart giving.
Convenient giving.
Principled giving.

For more details, visit our Web site or call us for a free informational brochure.

DonorsTrust
BUILDING A LEGACY OF LIBERTY

703.535.3563 | www.donorstrust.org

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

reason
Free Minds and Free Markets

April 2005
Volume 36, No. 11

Departments

4 **Editor's Note** — The best reason for private retirement accounts.

6 **Contributors**

8 **Letters** — Iraq's summer soldiers, civil liberties & enemy combatants, cut-rate diplomas, imperial waltz, John Locke lite, among the nonbelievers...

12 **Citings** — Hollywood vs. downloaders, Tasers under fire, clerical abuse in the Islamic world, Putin on the fritz, airports opt out, war on drugs vs. war on terror, Iran's mystery diva, behind the curtain...

Columns

18 **The Pentagon's Secret Stash** — Why we'll never see the second round of Abu Ghraib photos. *Matt Welch*

20 **A Wave of Hot Air** — After the deluge, the God talk. *Cathy Young*

23 **Rant: Tidal Waves and Tariffs** — The feds' foolish fight against Third World shrimp. *Kerry Howley*

Features

24 **The Death of Social Security** — Debating Bush's plan for private retirement accounts. *James K. Glassman and Tyler Cowen*

32 **Homeschooling Alone** — Why corporate reformers are ignoring the real revolution in education. *Greg Beato*

35 **Homeschooling Facts** — Everything you ever wanted to know about learning at home. *Greg Beato*

38 **The House the Burgeses Built** — One family's neighborhood-wide approach to home education. *Greg Beato*

42 **Ancient Treasures for Sale** — Do antique dealers preserve the past or steal it? *Steven Vincent*

Culture & Reviews

50 **Are We Just Really Smart Robots?** — Two books on the mind put the human back into human beings. *Kenneth Silber*
On Intelligence, by Jeff Hawkins with Sandra Blakeslee
Mind: A Brief Introduction, by John R. Searle

55 **Rock and Roll Entrepreneur** — Frank Zappa's true legacy. *Nick Gillespie*

57 **Deconstructing Chomsky** — America's leading leftist intellectual sees what he wants to see and disregards the rest. *Mark Bauerlein*
The Anti-Chomsky Reader, edited by Peter Collier and David Horowitz

61 **Wide World of Sports** — Soccer mirrors globalization and its discontents. *Michael Young*
How Soccer Explains the World: An Unlikely Theory of Globalization, by Franklin Foer

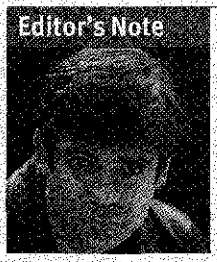
64 **The Hippie and the Redneck Can Be Friends** — Two worlds collide in film and music. *Jesse Walker*

66 **Artifact: The Spirit of Popular Art** — The legacy of Will Eisner. *Brian Doherty*

Cover photo: Jack McConnell

reason (ISSN 0048-6604) is published monthly except combined August/September issue by the Reason Foundation, a nonprofit, tax-exempt organization, 3415 S. Sepulveda Blvd., Suite 400, Los Angeles, CA 90034-6064. Periodicals postage paid at Los Angeles, CA and additional mailing offices. Copyright © 2005 by Reason Foundation. All rights reserved. Reproduction or use, without permission, of editorial or graphic content is prohibited. reason and Free Minds and Free Markets are registered trademarks owned by the Reason Foundation. SUBSCRIPTIONS: $18.50 per year. Outside U.S. add $10/year surface, $55/year airmail. Address subscription correspondence to reason, P.O. Box 511, Mt. Morris, IL 61054, 815-734-1162, for address change (allow six weeks), provide old address and new address, including zip code. UNSOLICITED MANUSCRIPTS returned only if accompanied by SASE. INDEXED in Readers' Guide to Periodical Literature, InfoTrac, Historical Abstracts, Political Science Abstracts, American History and Life, Book Review Index, and P.A.I.S. Bulletin. Available on microfilm from University Microfilms International, 300 North Zeeb Rd., Dept. P.R., Ann Arbor, MI 48106. Printed in the United States. POSTMASTER: Send address changes to reason, P.O. Box 511, Mt. Morris, IL 61054. Publications Mail Sales Agreement No. 1476649.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED



The Best Reason for Private Retirement Accounts

LIKE MANY—probably most—Americans, I got a late start on saving for my golden years, not throwing a single penny into any sort of retirement account until well into my 30s.

There were many reasons for this. I grew up in a household in which there was relatively little money to begin with and even less understanding about how to handle it well, especially when it came to such distant and mythical events as retirement. (Work was, after all, something you did until you dropped dead—partly because you worked so long—or got canned because you were too old to produce.) In the first half of my 20s, I'd work for a few months, save money, and then travel until I ran out of money. In the second half, I was in grad school, scraping by on minimal stipends and fellowships and amassing student-loan and credit-card debt as I made a long-odds investment in what economists would call my "human capital."

It took a long time to pay that debt down and get real about retirement planning. Having kids helped immensely on the latter score, as virtually every financial planner will tell you that the best thing you can do for your children is to take care of your own retirement.

Mine is a pretty typical tale when it comes to retirement savings, and it helps explain why Social Security reform is the hottest policy topic of the day. It is also the topic of our cover story, "The Death of Social Security," a fiery debate between investment author James K. Glassman and economist Tyler Cowen that begins on page 24. Both are fierce proponents of free markets and libertarian policies, even as they disagree on key questions about how, or even whether, to move forward on mandatory private retirement accounts.

I've got a long list of reservations about likely reforms, but the single most powerful selling point for private accounts is that they might keep some money within families that can be passed down to kids or grandkids. I know firsthand that an inheritance of $15,000, $10,000, or even $5,000 can make a huge difference in all sorts of ways, from clearing out debt to providing a car (and hence employment opportunities) to financing a down payment on a house.

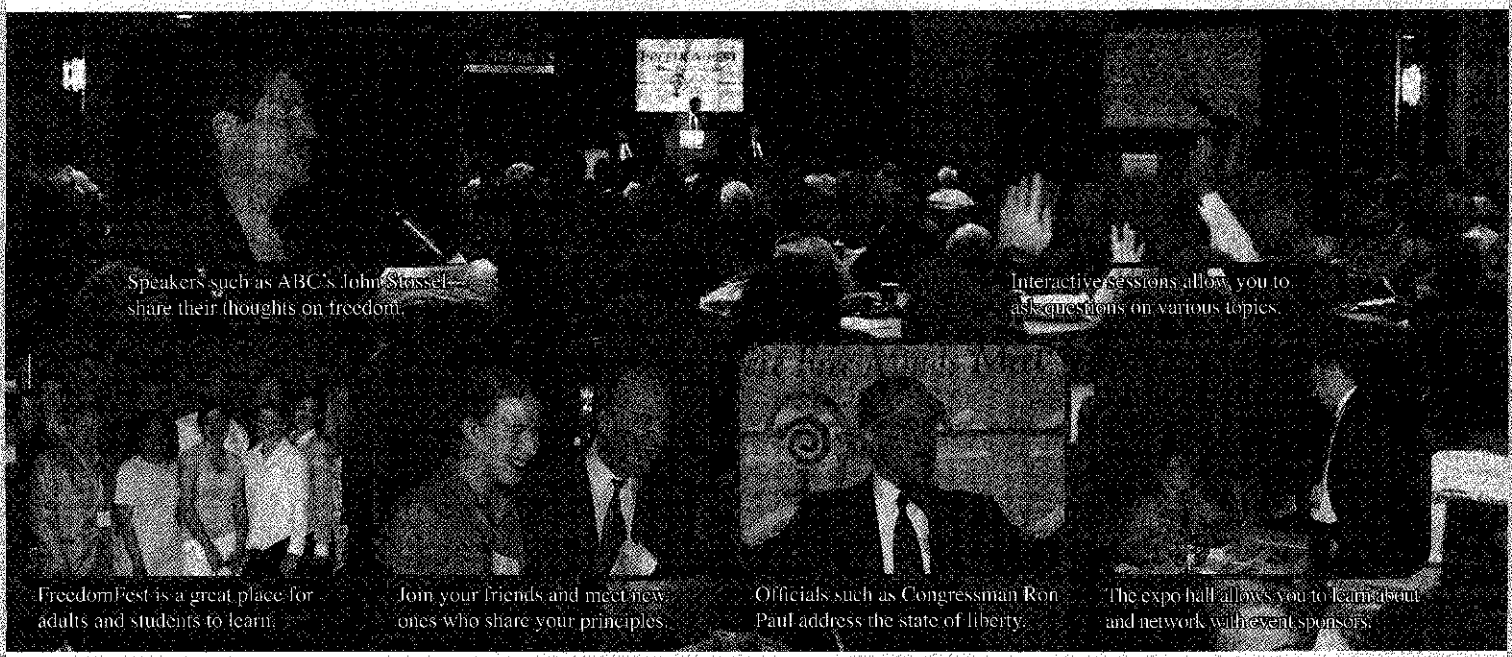
At press time, the Bush plan—let alone whatever legislative Frankenstein's monster might arise from the halls of Congress—is vague, though almost certain to disappoint those of us interested in truly fundamental reform, free markets, and individual freedom. With those reservations firmly in mind, the thing I'll be looking at more than any other is whether the changes do something to help pass wealth on to the next generation, especially to younger people who will otherwise have very little coming their way. That may be enough to convince me that any reform, however misguided and imperfect, is better than the Social Security status quo, which only promises less and less to future recipients.

—Nick Gillespie

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Treat Yourself…Visit Las Vegas And Join Hundreds Of New Like Minded Friends

If You Are Interested In Extending Liberty, You Must Attend FreedomFest!



Speakers such as ABC's John Stossel share their thoughts on freedom.

Interactive sessions allow you to ask questions on various topics.

FreedomFest is a great place for adults and students to learn.

Join your friends and meet new ones who share your principles.

Officials such as Congressman Ron Paul address the state of liberty.

The expo hall allows you to learn about and network with event sponsors.

Young America's Foundation is happy to announce **FreedomFest 2005**, the place for lovers of liberty to learn, meet, and endeavor to protect freedom on May 12-14, 2005 in Las Vegas, Nevada.

You can't afford to miss this tremendous opportunity filled with exciting **speakers and panels**, two lively dinner **banquets**, exhibits by freedom oriented **organizations**, and enthusiastic **new friends** to meet – all while having the time of your life in the entertainment capital – **Las Vegas**! FreedomFest 2005 will build on the successes of FreedomFest 2004. In May 2004, hundreds gathered to hear from leaders such as author **Dinesh D'Souza**, CEO of Whole Foods Markets **John Mackey**, and ABC journalist **John Stossel**. Some speakers already confirmed for 2005 include *Reason* founder **Robert Poole**, *Reason* senior editor **Brian Doherty**, author **Charles Murray**, economist **Mark Skousen**, activist **Ward Connerly**, with many more to be added soon!

<u>To take advantage of early-bird discounts, you must register by March 18, 2005, so register today</u>! To register, visit ***http://www.freedomfest.com***. You can also view updated speaker listings. Plus as a *Reason* reader, you'll receive a special **free bonus offer** (see lower left). ***Don't be left out! Join us at FreedomFest this spring!***

<u>Free Bonus For *Reason* Readers</u>
Use the code "Reason" when registering to receive a free color poster celebrating free-markets!

FREEDOMFEST

"Where Free Minds Meet"

May 12-14, 2005 • Bally's/Paris Resort • Las Vegas, Nevada
www.freedomfest.com • 800-USA-1776

Produced by:

YOUNG AMERICA'S FOUNDATION

www.yaf.org
800-USA-1776

© Copyright 2005 Young America's Foundation

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

reason

Editor-in-Chief Nick Gillespie (ngillespie@reason.com)

Managing Editor Jesse Walker (jwalker@reason.com)

Senior Editors
Brian Doherty (bdoherty@reason.com)
Charles Paul Freund (cpf@reason.com)
Jacob Sullum (jsullum@reason.com)

Associate Editor Matt Welch (mwelch@reason.com)

Assistant Editors
Kerry Howley (khowley@reason.com)
Julian Sanchez (jsanchez@reason.com)

Science Correspondent Ronald Bailey (rbailey@reason.com)

Editorial Assistant Mary Toledo (mtoledo@reason.org)

Art Director Darin Burch (dburch@reason.com)

Photo Researcher Julie Wolf

Web Editor Tim Cavanaugh (tcavanaugh@reason.com)

Webmaster Brian J. Taylor

Reason Express Writer Jeff A. Taylor (jtaylor@reason.com)

Contributing Editors
Peter Bagge, Gregory Benford, James V. DeLong, Glenn Garvin, Mike Godwin, David R. Henderson, John Hood, Brink Lindsey, Carolyn Lochhead, Loren E. Lomasky, Mike Lynch, John McClaughry, Deirdre N. McCloskey, Michael McMenamin, Michael Valdez Moses, Charles Oliver, Walter Olson, John J. Pitney Jr., Thomas Szasz, Cathy Young, Michael Young

Publishing Consultant Ronald C. Burr

Legal Adviser Don Erik Hansen

Editorial and Production Offices
3415 S. Sepulveda Blvd., Suite 400
Los Angeles, CA 90034-6064
Tel: 310-391-2245 Fax: 310-391-4395

Advertising Sales
Burr Media Group
Ronald E. Burr, 703-569-9632
Joseph P. Whistler, 540-349-0042
(advertise@reason.com)

Subscription Service
P.O. Box 520, Mt. Morris, IL 61054
(888-reason-6 (1-888-732-7666)
(subscribe@reason.com)

Circulation
Circulation Specialists Inc.

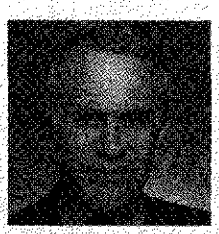
Newsstand Distribution
Big Top Newsstand Services
415-643-0161 Fax: 415-643-2983
(info@bigtoppubs.com)

reason is published by the Reason Foundation, a 501(c)(3) nonprofit educational foundation. Contributions to the Reason Foundation are tax deductible. Signed articles in reason reflect the views of the authors and do not necessarily represent those of the editors, the Reason Foundation, or its trustees. Articles should not be construed as attempts to aid or hinder the passage of any bill before any legislative body. The claims and opinions set forth in paid advertisements published in this magazine are not necessarily those of the Reason Foundation, and the publisher makes no representation for any such claim or opinion.

Reason Foundation
Trustees
William A. Dunn (Chairman), Thomas E. Beach, Richard J. Dennis, David W. Fleming, C. Boyden Gray, James B. Jamason, Werner S. Klausner, David H. Koch, James Lintott, Stephen Modzelewski, Sarah A. O'Dowd, Robert W. Poole Jr., Vernon L. Smith, Al St. Clair, Harry E. Teasley Jr. (chairman emeritus), Pierluigi Zappacosta, Frank Brand (emeritus), Walter E. Williams (emeritus)

President David Nott
Vice President, Magazine Nick Gillespie
Vice President, Research Adrian T. Moore

Contributors


James K. Glassman

Tyler Cowen

Kenneth Silber

Mark Bauerlein

When JAMES K. GLASSMAN envisions his retirement, he sees a little place in the Berkshires, a few rounds of golf, and as little government meddling as possible. A fellow at the American Enterprise Institute, Glassman hosts the public affairs webzine *TechCentralStation*. In "The Death of Social Security" (page 24), he debates TYLER COWEN about Social Security, arguing that private accounts will inject some liberty into a lousy system. Sparring partner Cowen never wants to retire, but if he has to, he'll do it on his own terms—preferably with homes in Paris and Mexico, and preferably not with state-sponsored savings accounts. A professor of economics at George Mason University and the author of a popular online guide to ethnic cuisine in the D.C. area, Cowen says forced savings will only invite bureaucratic bother in our golden years.

KENNETH SILBER still remembers the day in 1982 that he first became preoccupied with the problem of free will. Walking through a Manhattan snow flurry, he pondered how the laws of physics inexorably guided each snowflake on a random-seeming path toward its predetermined home on the asphalt—and wondered whether human action might be similarly determined. A lifelong New Yorker, Silber works part-time for *Scientific American Mind* and writes about economics for the magazine *Mental Floss*. In "Are We Just Really Smart Robots?" (page 50), he looks at two books on the cutting edge of the science and philosophy of mind.

Not long before MARK BAUERLEIN read *The Anti-Chomsky Reader*, a book he reviews favorably in "Deconstructing Chomsky" (page 57), he was enthralled by a very different tome: Chomsky's *Manufacturing Consent*. A recently reformed Chomsky fan, Bauerlein is fascinated by the "social phenomenon" leading legions of undergrads to idolize a scholar who "consistently violates his own ideals." A professor of English at Emory University and director of research and analysis at the National Endowment for the Arts, Bauerlein divides his time between Atlanta and Washington.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

TO CONVICT ONE DOCTOR, ZEALOTS AT DEA TORE UP PAIN GUIDELINES DEVELOPED OVER FOUR YEARS.

Last August, after an historic collaboration between the Drug Enforcement Administration and the University of Wisconsin's Pain & Policy Studies Group, the DEA published new and widely applauded Pain Management Guidelines intended to protect physicians from prosecution by overzealous federal agents. In October the DEA suddenly withdrew the Guidelines, effectively trashing years of effort. Why?

According to the Washington Post, "The DEA's abrupt turnaround appeared to have been triggered when defense lawyers tried to introduce the new Guidelines in the trial of Dr. (William) Hurwitz" -- a Virginia pain specialist accused of over-prescribing. Shortly after the Guidelines were withdrawn, the US prosecutor successfully petitioned the court to exclude them as evidence.

In the Pain Guidelines, the doctors and the DEA had agreed that the government should stop investigating doctors like Hurwitz simply for being active in pain management -- and stop prosecuting those few who followed the recommendations but unwittingly prescribed opiates to deceitful patients.The DEA arbitrarily reversed that agreement.

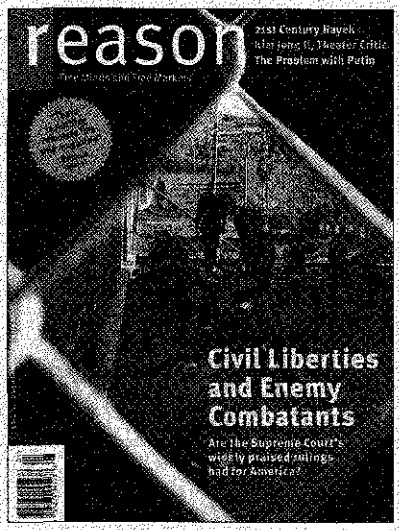
Dr. David Joranson, head of the University of Wisconsin Group, says the "DEA's abrupt withdrawal of support for the [Guidelines] without consulting with coauthors about their concerns, raises questions about what advisory role, if any, the pain management community can expect to have with DEA." The agency's changes, he says, "are likely to interfere in medical practice and pain management."

His colleague, Dr. Russell Portenoy of Beth Israel Medical Center, told theWashington Post that the DEA has changed "the tone of the dialogue in a way that is very worrisome. We're seeing more of an emphasis on law enforcement and less on the legitimate use of prescription narcotics."

Over 30 million Americans suffer from chronic pain. Are we going to let them live in agony because of the misguided zealotry of federal prosecutors?

Common Sense for Drug Policy
www.CommonSenseDrugPolicy.org www.DrugWarFacts.org
Mike Gray, Chair; Robert Field, Co-Chair

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED



Letters are welcome and should be addressed to

reason
3415 S. Sepulveda Blvd., Suite 400
Los Angeles, CA 90034
fax: (310) 390-8986
letters@reason.com

Iraq's Summer Soldiers

Tim Cavanaugh ("Iraq's Summer Soldiers," January) notes the liberal hawks' supposed hypocrisy in blaming President George W. Bush for mismanaging the postwar situation. This charge is spurious: To acknowledge the neglect or betrayal of an ideal is not to be hypocritical but to be honest.

That the occupation has not fared well should mean that intellectuals and writers such as Christopher Hitchens and Paul Berman take a critical stance. The prospects of a free Iraq, and a free Middle East, depend on the success of Operation Iraqi Freedom. Administrative incompetence therefore cannot be tolerated.

Stephen Cheng
Valley Stream, NY

Tim Cavanaugh replies: Stephen Cheng supposes that Operation Iraqi Freedom has not fared well. In fact, it has fared much better than any reasonable person with a suitable respect for the chaos, madness, and unpredictability of war had any right to expect. What we are seeing right now in Iraq is the best possible outcome of the liberal hawks' grand vision. If they don't like the results, they need to reassess their expectations.

Civil Liberties & Enemy Combatants

There are two stories in Harvey Silverglate's "Civil Liberties and Enemy Combatants" (January). The first is about the abridgment of civil liberties, about the belief that people under the jurisdiction of our government should be afforded the protection of our laws. Extending the right to petition for a writ of habeas corpus to Guantanamo prisoners is a good thing, and insofar as the ruling in *Rasul v. Ashcroft* has accomplished this, it is a good decision.

The second story, however, is a surprising and depressing one. It concerns our failure to notice that our civil liberties have been abridged—our capacity for self-deception, our willingness to engage in wishful thinking, our ability to imagine that things are not as bad as they seem despite considerable evidence to the contrary.

This is the truly disturbing and important story, replete with ironies and sophistical logic. What is liberty if it is by halves? The jurisdiction of the courts has been extended, but what does that mean in practice? If evidentiary standards have been relaxed or abandoned, if there is a double standard for due process, what has really been accomplished? Is a writ without due process tantamount to no habeas protection at all?

Commentators have argued that *Rasul* will provide a warning to the government and provide legal protections for prisoners. I concur with Silverglate that this is unlikely. It is truly frightening that *Rasul* and related decisions have been trumpeted as a victory for human rights. They may make things look better, but the underlying problems remain.

Errol Morris
Cambridge, MA

Cut-Rate Diplomas

I enjoyed reading Paul Sperry's article on diploma mills ("Cut-Rate Diplomas," January) but feel compelled to correct the impression he left of Thomas Edison State College when he compared it to Hamilton University. Thomas Edison is a nonresident institution, but that is where the similarity ends. It is a New Jersey state college and is fully accredited by the Middle States Association of Colleges and Schools. It is one of very few regionally accredited nonresident programs.

I earned an undergraduate degree

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

from Thomas Edison before going on to do graduate work at Trenton State College. While at Thomas Edison I studied on my own and was able to test out of 75 college credits by taking 15 fully accredited college-level equivalency exams. My admissions counselor at Trenton State told me that he particularly liked getting graduates from Thomas Edison because they all knew how to learn independently.

Ken Hamady
Leesburg, VA

I was not amused at Paul Sperry's cheap attack on government employees who get cheap college degrees. Sperry offered no evidence that these employees are unqualified to do their jobs—merely that they didn't suffer through an endless institutional program to get their license to work. Since when do "free minds and free markets" require *anybody* to get a license to work?

I'm a computer specialist with 30 years of experience, starting in my teens. I was too busy programming, starting successful computer companies, and relaxing to waste four or six or eight years going to college. Is **reason** suggesting that, as a result, I wouldn't be qualified to be chief information officer of a government department? It might well be that such a job has a bullshit requirement that applicants have a "degree." As an otherwise-qualified candidate, what would be wrong with my getting the cheapest and easiest degree possible?

John Gilmore
San Francisco, CA

Imperial Waltz

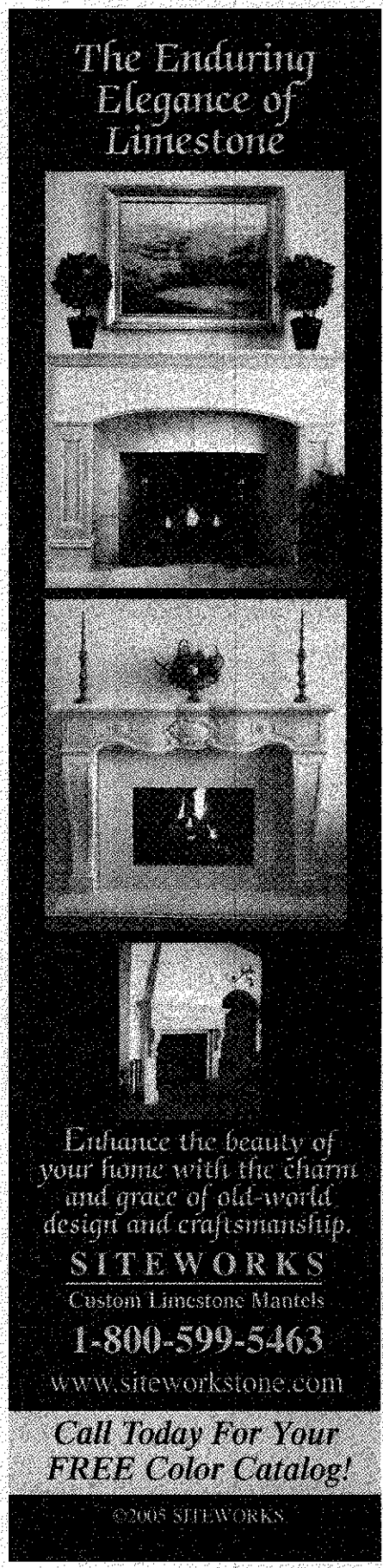
My pleasure in reading Michael Young's "Imperial Waltz" (January) was considerably diminished when I got to the middle of his piece, where I felt that he deviated from his posture of objectivity when he arrived at the Israel-Palestinian issue. There are four paragraphs, starting with the one where he accuses Richard Perle and David Frum of allowing "their pro-Israel prejudices to get the better of their judgment." I don't know if that is true or not; I haven't read their book. But one wonders from the next few paragraphs if it isn't Young whose prejudices have gotten the better of his judgement.

I don't why the Palestinians are "the elephant in the living room of those who argue that U.S. influence in Iraq can help spread Middle Eastern liberalism." First, let's remember that the Palestinians sided with Saddam Hussein when he invaded Kuwait (resulting in the wholesale expulsion of Palestinians from Kuwait after the war) and during the recent war, in addition to dancing in the streets after September 11th. Mightn't reducing the influence of terrorist-supporting despots have a salutary effect on the area, specifically on the Palestinians?

Young then tells us that these frothing at the mouth neocons are siding with "the worst on Israel's far right" when they "write that in the Arab and Muslim world 'the Palestinian issue has never been about compassion, mercy, or even justice. First and always, the issue has been about vengeance.'" To which Young responds: "This belief is not only untrue; it suggests that force alone can resolve the Palestinian problem."

How does this assertion suggest that force alone can resolve the problem? Just because Frum and Perle argue that the Palestinian people have been hijacked and used to advance a cause that has very little to do with their needs? The Arabs have kept the Palestinians in refugee camps; Arabs held the territory they now say belongs to a Palestinian state for twenty years.

Next, Young charges Israel with


The Enduring Elegance of Limestone
Enhance the beauty of your home with the charm and grace of old-world design and craftsmanship.
SITEWORKS
Custom Limestone Mantels
1-800-599-5463
www.siteworkstone.com
Call Today For Your FREE Color Catalog!
©2005 SITEWORKS

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

annexing Palestinian territory. Of course, this territory doesn't exist yet, but it might—and would have already if the average Israeli wasn't so afraid of being blown up. Then he takes umbrage at the suggestion that some Palestinian refugees might settle in the countries where they have been living for the last 50 years.

Then he goes over the line: "Swallowing disappointment is hardly a compelling cure for Palestinian-Israeli hostility, especially when Palestinians are a generation away from being a demographic majority between the Mediterranean and the Jordan River. Moreover, the resettlement of Palestinian refugees in Arab countries is a sore point in a region where the perception is that Israel rests on a foundation of ethnic cleansing." Ethnic cleansing? Of course, Young doesn't believe that, but there is a "perception." The demographic argument is a favorite of clever rejectionists, who feel that the eventual Arab majority further illustrates Israel's illegitimacy.

But a quarter of Israeli citizens are Arabs, and almost all the Jews were thrown out of the Arab countries where they had lived for generations and had their property taken. Arafat was quite clear while trying to flood Israel with millions of "refugees," most of whom have never been in Israel, that Palestine would be *Judenrein*—not one Jew could remain in "Palestine." The implicit allegation of ethnic cleansing is offensive and it should not have been in the review. If it represents the opinion of the author, he should have had the courage to come out and say it.

Richard Blumenstein
Bingham Farms, MI

Michael Young replies: Why are the Palestinians "the elephant in the living room of those who argue that U.S. influence in Iraq can help spread Middle Eastern liberalism"? Because, as I wrote, "what is good for the Iraqis must be good for the Palestinians." Just as Iraqis were entitled to see their dictatorial regime removed so they could enjoy autonomous self-determination, so too Palestinians merit an end to an Israeli occupation that, regardless of their own myriad mistakes, has denied them self-determination for decades. The Palestinian issue, for better or worse, remains very much an obstacle preventing the region from taking U.S. democratization efforts in Iraq seriously. I've regretted this bitterly in the past, but the pervasiveness of the view is undeniable.

How does Perle's and Frum's assumption that the Palestinian issue has always "been about vengeance" imply that only force (or the effectively forcible resettlement of Palestinians elsewhere) can resolve the Palestinian-Israeli conflict? Simply, because if your adversary is interested only in vengeance, then peace based on compromise is not an option.

Finally, Richard Blumenstein misunderstood my argument about the demographics of Israeli-Palestinian relations when I wrote that Perle's and Frum's advice to Palestinians to "swallow disappointment" was "hardly a compelling cure for Palestinian-Israeli hostility, especially when Palestinians are a generation away from being a demographic majority between the Mediterranean and the Jordan River." He ascribes to me the qualities of a "clever rejectionist" who seeks to illustrate Israel's illegitimacy. My point was that as the Arab and Jewish populations in Israel and the Occupied Territories become close to equal, a diplomatic solution becomes more urgent. Yet Perle and Frum offer no opening at all.

John Locke Lite

I haven't read Michael Otsuka's book and don't know his work. Tom Palmer's assessment of it in the January issue could be on target. But his review ironically suffers the disease its title, "John Lock Lite," describes. Palmer correctly quotes Locke's praise of private property, but his citation begins in the middle of section 37 of Locke's discussion "Of Property" in his *Second Treatise of Government*, thus omitting these words: "men had a right to appropriate, by their labour, each one of himself, as much of the things of nature, as he could use: yet this could not be much, nor to the prejudice of others, where the same plenty was still left to those who would use the same industry. To which let me add, that he who appropriates land to himself by his labour, does not lessen, but increase the common stock of mankind."

reason
Free Minds and Free Markets
free minds
free markets
cool stuff
go to reason.com/stuff.shtml to see reason t-shirts, sweatshirts, mugs, caps, and more.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Palmer begins with "he who appropriates land to himself," but the words he quotes could mislead readers concerning Locke's larger purpose. I don't expect Palmer to quote Locke's every word; however, the last words from "Of Property" are also noteworthy in this regard. There, Locke calls appropriation of more land than one man employs by his own labor "dishonest," at least in a primitive context. This underlies some 18th- and 19th-century ideas, sometimes called "socialism," holding that laborers, rather than titular lords, should own their means of production, primarily the land. Other brands of "socialism" held that a state should control means of production in the name of "labor," and these statist brands eventually predominated.

Many contemporary libertarians essentially identify "property" with entitlements, titles to property, words on legal documents rather than literal means. This understanding of "property" is not surprising, since even common men possess many entitlements these days, but this understanding is relatively modern and could confuse a modern mind contemplating less modern texts discussing proper rights. Locke certainly does not refer in "Of Property" to the dizzying myriad of entitlements we possess and trade, for better or worse, in modern capital markets. Regardless of the merits of modern property, equating it with Lockean property is historical revisionism.

Martin Brock
Madison, AL

Among the Nonbelievers

Chris Lehmann's review of Sam Harris' *The End of Faith* ("Among the Nonbelievers," January) made me chuckle in disbelief. If Harris can be accused of flying off the handle in places in his book (and yes, I have read it), Lehmann's review was one full flight from the handle.

Lehmann contends that "village atheists" (his second of at least four uses of the term) "are as numerous, and as shrill, as they've ever been." What planet does Lehmann live on? Here in Florida we've got Christians on television and radio and in newspapers denouncing the decline of moral values: Abortion is murder; gays are abominations in the eyes of their god; schools are corrupting children by teaching evolution. Vocal believers vastly outnumber vocal nonbelievers.

In the spring of '04 an atheist was prevented from giving the opening convocation to the City Council of Tampa Bay by a protest walk-out of council members. Two council members publicly stated that they believed any person who does not believe in "a supreme being" is unfit to participate in American governmental affairs.

If anything, this country needs more outspoken atheists, shrill or not. It seems Lehmann would prefer that we sit down and shut up. Lehmann certainly makes some valid points, but a fair review would have acknowledged that, at the least, Harris has raised a very important, timely issue.

Andrew Bernardin
Orange City, FL

CORRECTIONS: "Hayek for the 21st Century" (January) misstated the year of F.A. Hayek's birth. It was 1899.

"Doctor Sex, Ph.D." (February) mistakenly referred to Indiana University, where Alfred Kinsey conducted his research, as the University of Indiana.

"Among the Nonbelievers" (January) mentioned "Tutsi supremacy" as a source of "mass violence." It should have read "Hutu supremacy," whose victims were the Tutsis.

Don't Let Investing Myths Short Change Your Portfolio...
Protect Your Financial Future with
Investment U

HOW DO YOU SEPARATE INVESTMENT FACT FROM FICTION?

Investment U helps you make the right decision. Twice weekly, *New York Times* best selling author and analyst **Dr. Steve Sjuggerud** debunks investment myths, wrong-headed advice and ill-timed investment recommendations.

In concise, *action-oriented* e-mails Dr. Sjuggerud reveals hidden market indicators, time-tested investing techniques and current emerging trends that any smart investor should be aware of. **And he delivers them to you absolutely free of charge.**

ALL YOU HAVE TO DO TO BEGIN RECEIVING THE *INVESTMENT U E-LETTER* is log onto the *IU* website at www.InvestmentU.com/R35.html

OR, YOU CAN CALL US AT 800.992.0205.

105 W. MONUMENT STREET
BALTIMORE, MD 21201

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

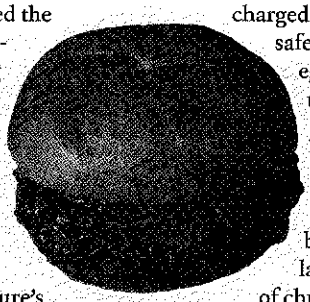
Hollywood vs. downloaders; Tasers under fire; clerical abuse in the Islamic world; Putin on the fritz; airports opt out; war on drugs vs. war on terror; Iran's mystery diva; behind the curtain

USDA identity crisis

Uncle Sam's Barbecue

Tim Cavanaugh

LAST FALL THE food critic Mr. Cutlets excoriated the Bush administration for bringing its "bloodlust of deregulation" to "the world of smoked meats." The offending act: the U.S. Department of Agriculture's September announcement that it would no longer include a weight-reduction requirement in its definition of "beef or pork with barbecue sauce." Since the 1950s, the USDA has required that all products so labeled must use meat cooked to 70 percent of its original weight, with the lost fat and moisture eventually combined with sauce and sold as a canned or frozen product.



The change in the USDA's "standard of identity" pleased the American Meat Institute and other trade groups. But at least one producer, the Georgia-based Castleberry/Snow's Brands Inc., joined Mr. Cutlets in opposition, telling *The Washington Post* the revised rule would create "a lot of confusion."

Casual observers might have expressed another form of confusion—that a federal agency charged with ensuring the safety of meat, poultry, egg, and dairy products spends its time judging what is or isn't barbecue. In some parts of the country, that might be construed as violating the separation of church and state. ▮

Funeral home protection

Coffin Break

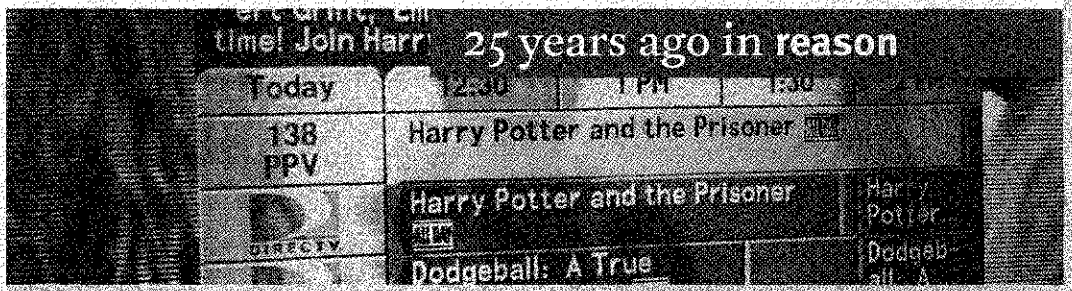
Jacob Sullum

MEMORIAL CONCEPTS Online sells an oak coffin for about $2,000, roughly half the average price at funeral homes in Oklahoma, where the company is based. But in Oklahoma, where only licensed funeral directors are allowed to sell caskets, such competition is illegal.

Memorial Concepts founders Kim Powers and Dennis Bridges, represented by the Institute for Justice, are fighting to break up the state's casket cartel, arguing that it violates their rights to due process, equal protection, and economic liberty under the 14th Amendment. Last August the U.S. Court of Appeals for the 10th Circuit rejected their arguments in a decision Powers and Bridges have asked the Supreme Court to review.

Other federal courts, including the U.S. Court of Appeals for the 6th Circuit, have overturned similar regulations in other states, concluding that the rules lacked a "rational basis." That's hard to deny. Would-be casket sellers in Oklahoma, for example, have to complete two years of college courses, graduate from a mortuary science program, do a one-year apprenticeship during which they embalm at least 25 bodies, and pass two exams. The state also mandates that caskets be sold from a "funeral establishment" that includes a "preparation room" for embalming, a "selection room" for displaying casket options, and "adequate areas for public viewing of dead human remains"—amenities not typically offered by online retailers.

The 10th Circuit did not pretend Oklahoma's rules for selling caskets make sense from



"How would you like to have your own satellite ground station, receiving up to six channels of first-run movies, live concerts, and sports events? Several years from now you may be able to call your local Sears Roebuck store and order such a system."

—Robert Poole Jr., "Pay TV Expands"

"The bureaucratic approach to inner-city problems drives away the very people who are most likely to revive the depressed areas—the entrepreneurs."

—Stuart M. Butler, "Salvaging Our Cities"

"The [Bureau of Alcohol, Tobacco, and Firearms] has given us enough examples of what is known in law enforcement as a strike-force mentality to suggest either a general policy or an attitude among individual agents favoring overutilization of force."

—John D. Lewis Jr., "American Gestapo: How the BATF Is Riding Roughshod Over Civil Liberties"

"Military spending is not spending in the eyes of so-called tightwads in Congress, you know, the traditional right-wing kind of people. They rave and rant about cutting government spending and then take a deep breath and propose a blank check for the military."

—"Reason Interview: Ernest Fitzgerald"

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

the standpoint of consumer protection, the state's official goal. Instead it ruled that even if the whole point of the regulations was to protect funeral homes from competition, that would be OK, since "intrastate economic protectionism constitutes a legitimate state interest."

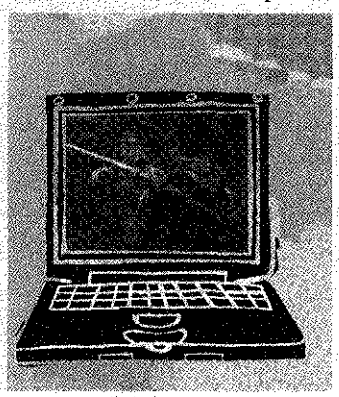
Hollywood vs. downloaders

SuitTorrent

Julian Sanchez

FORGET NAPSTER. Newer programs such as BitTorrent have made it practical for Internet users to swap the much larger files required to store movies and TV shows, pushing Hollywood into the same hot seat as the record labels. In December the Motion Picture Association of America (MPAA) filed suit against more than 100 users of the BitTorrent network, in what MPAA Senior Vice President John Malcolm described to *Wired* as an attempt to "avoid the fate of the music industry."

Just what that fate is remains unclear. A 2004 study by researchers at Harvard and the University of North Carolina found that online music downloads have no net effect on CD sales, but both boosters and bashers of peer-to-peer networks can cite other studies purporting to show positive and negative effects. Whatever its effect on DVD rentals and ticket sales, BitTorrent is undeniably huge: The program has been downloaded by some 30 million users already, and the British firm CacheLogic estimates that it may account for more than a third of all Internet traffic, more than all other peer-to-peer programs combined.



The software's appeal lies in its novel method of transferring files. With traditional peer-to-peer software, downloading films or TV programs takes prohibitively long even for broadband users, because the average user can upload a file at only a fraction of the speed at which it can be downloaded. BitTorrent circumvents that problem by distributing each file among members of a "swarm," allowing many pieces of the same file to be downloaded simultaneously from different users.

One defendant, Edward Webber, has applied BitTorrent's swarm principle to his court fight: He quickly raised more than $33,000 for his first month's legal fees via online PayPal contributions—$11,500 of it within the first 12 hours of posting his request.

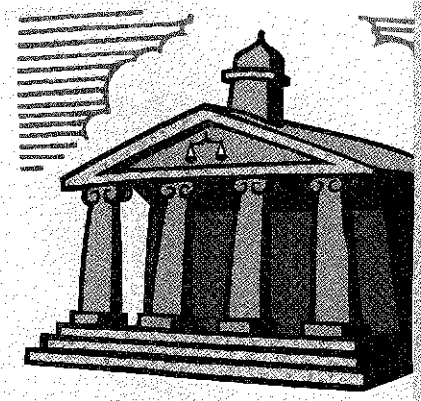
Guns in the courts

Fizzling Lawsuits

Jacob Sullum

OF 33 GOVERNMENT-sponsored gun lawsuits filed since 1998, all but three have been dismissed. According to a tally by the National Shooting Sports Foundation, the main industry group, 17 of those dismissals (including six that resulted from state legislation) are final, while the rest are on appeal. The remaining three cases are in the discovery phase.

So far the courts have not bought the argument that gun sellers are guilty of "negligent marketing" that allows weapons to fall into the hands of criminals. In November, for instance, the Illinois Supreme Court unanimously rejected Chicago's lawsuit, saying the city's "assertions of negligent conduct are not supported by any recognized duty on the part of the manufacturer and distributor defendants." The court added that the city could not establish "proximate cause" because "the claimed harm is the aggregate result of numerous unforeseeable intervening criminal acts by third parties not under defendants' control."



The National Rifle Association (NRA) nevertheless is renewing its push for a federal law protecting gun makers and distributors from liability for crimes committed with their products. The NRA says congressional intervention is still necessary because the cost of defending against such lawsuits may force manufacturers to settle, regardless of the legal merits. Bushmaster Firearms, which made the rifle used in the 2002 D.C. sniper shootings, cited legal costs when it agreed last September to pay $550,000 to victims of the shootings.

But legal scholar Robert Levy, a senior fellow at the Cato Institute, argues that federal action is not constitutionally appropriate "unless and until Second Amendment rights are compromised." That has not happened yet, he believes, because "courts across the country have done the right thing," while "31 states on their own have now banned municipal lawsuits against gun makers."

Tasers under fire

Shocked to Death

Brian Doherty

TASERS, "NONLETHAL" dart guns with a range of about 15 feet that deliver 50,000-volt electric shocks for five seconds at a time, are under fire for their roles in several civilian deaths and police injuries.

About 6,000 law enforcement agencies, including officers at nine public schools in Tempe, Arizona, have Tasers in their arsenals. A November report from Amnesty International »

Quotes

"You almost began to want to put the wall back up."

—Robert Bork in the December 31 *Washington Times*, reacting to the spread of American popular culture in Eastern Europe

"Get some devastation in the back."

—Senate Majority Leader Bill Frist (R-Tenn.) to a photographer capturing his visit to tsunami-stricken Sri Lanka, reported by the Associated Press on January 7

"Don't cheerleaders all over America form pyramids six to eight times a year? Is that torture?"

—defense attorney Guy Womack at the trial of Spc. Charles Graner, charged with stacking prisoners in nude pyramids at Abu Ghraib, January 10

Sources

Congress and blogs: two wonky tastes that taste even wonkier together. Joshua Tauberer's site GovTrack.us follows both legislation and legislators, identifying the most frequent no-shows, the biggest blabbermouths, and those most likely to sponsor doomed bills. It also rounds up blog commentary on each bill.

GovTrack was the winner of Technorati's first developer contest, which rewarded coders who came up with innovative ways to use the blog-tracking engine. To see the others, go to www.technorati.com/developers/contest.html.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Brickbats

Food, blankets, and medicine meant for Malaysian victims of the tsunami that swept Asia were held up pending the arrival of politicians to take credit for them. "There are mattresses and blankets piled up to the ceiling in the relief centers, but [the authorities] are waiting for some big-shot government politician to come and distribute them, so that everyone gets media publicity," one relief worker told *Asia Times*.

There were obstacles to aid here at home too. When 10-year-old Carolyn Lipsick wanted to do something to help the tsunami victims, she decided to sell cookies and drinks in front of her Miami Beach home. The city government refused to grant an occupational license for the stand.

A Detroit food bank wants to know what happened to 60 frozen turkeys it gave the office of U.S. Rep. John Conyers (D-Mich.) to deliver to needy people at Thanksgiving. The director of the center got suspicious when federal workers said they'd been given free turkeys by Conyers' staff. A spokesman said the turkeys had been given to needy people on a list provided by the Michigan Family Independence Agency, but the agency isn't aware of any such list.

Selling voodoo dolls isn't illegal in Colombia, but that didn't stop police in the province of Quindío from seizing a shipment of 292 dolls and 192 packages of "magic dust." According to intelligence officer Rolando Silva, the interdiction was "a measure to protect the moral conduct and good habits of the people."

Wearing the wrong clothes can get a woman arrested in Zimbabwe. Police have been cracking down on illegal currency traders, who often wear denim skirts and multi-colored tops—so the cops round up any woman dressed like that.

A British man was barred from his home for six months, kept from unsupervised visits or telephone conversations with his 3-year-old son, and placed on two years' probation. All this for giving the boy a single swat on the bottom after the child almost ran into traffic.

Colorado paid more than $2 million in 2003 to doctors and others who claimed to be treating people who were already dead. In all, a state audit found $3.5 million in Medicaid overpayments in 2003—and that was the lowest number in several years. State law does not require health care providers to repay the state for improperly paid claims.

Marta Andreasen, formerly the European Commission's chief accountant, says she was suspended from her job and ultimately fired because she refused to sign accounts she believed were unreliable. In 2002 alone, her office found 10,000 possible cases of fraud in European Union accounts. The E.C. says she was disloyal.

Kelli Billingsley was suspended from her school in Jefferson Parish, Louisiana, after she gave Jell-O to her fourth-grade classmates. Officials said the small cups looked like Jell-O shots.

Charles Oliver

on Taser use in the U.S. found that the weapons "are used on unarmed suspects in 80 percent of the cases, for verbal non-compliance in 36 percent, and for cases involving 'deadly assault' only 3 percent of the time."

Tasers have become especially controversial in Florida, where police recently have zapped a 6-year-old boy, a fleeing 12-year-old girl (allegedly drunk), a 14-year-old girl in the back of a squad car, and a wheelchair-bound man brandishing scissors. It's policy in at least three Florida police departments that Tasers are appropriate for suspects merely offering "passive physical resistance" without posing any threat to officers or the public.

In December 2004 alone, three Florida suspects died after being tasered. *The Arizona Republic* reported in January that it had discovered 84 deaths of shocked suspects since 1999 in the U.S. and Canada, although in only 11 of those cases have medical examiners authoritatively blamed tasering for the deaths. Manufacturer Taser International claims the suspects would have died whether shocked or not. (Of the 84 deaths the *Republic* examined, 36 were officially blamed on drug overdoses.)

Former Maricopa County, Arizona, deputy Samuel Powers is suing Taser International over a spinal fracture he claims resulted from being tasered in a training exercise. (The company strongly encourages police to zap themselves in Taser training.) The family of a San Francisco man who died of cardiac arrest after a New Year's Day tasering is also suing the company. As these controversies mounted in early 2005, *USA Today* reports, at least six police departments delayed Taser buys. Taser International stock fell almost 10 percent in the first week of the year, after quadrupling in value last year.

Clerical abuse in the Islamic world

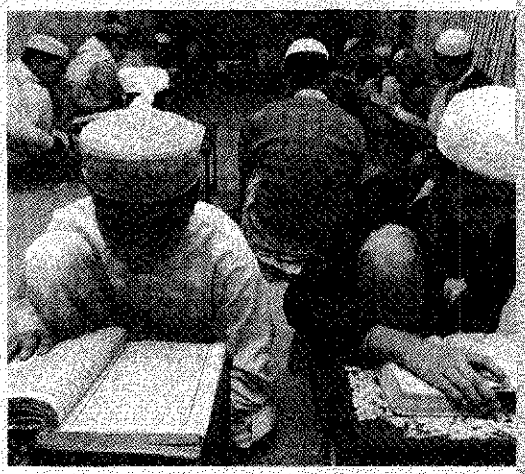
Madrassas Molesters

Charles Paul Freund

A MINISTER IN Pakistan's religious affairs department says there were 500 complaints last year of child sex abuse by clerics in *madrassas*, Muslim religious schools. Irfan Khawaja, writing for the Web site of the Institute for the Secularization of Islamic Society, wonders why Western journalists have taken so little interest in a story that could be "to Pakistan (and by extension to the Muslim world) what the analogous story was to the Catholic Church a few years ago—or for that matter what Abu Ghraib has been for the U.S. occupation of Iraq."

"Both of the latter scandals have permanently scarred the institutions responsible for producing them," notes Khawaja. "The consequences of inflicting the same sorts of damage on the Pakistani *madrasacracy* are incalculable—incalculably good, that is."

Khawaja believes such allegations, if proved true, would offer some perspective on familiar claims of Western moral decadence and "the superior moral virtue of the Islamic East." Although such arguments are generally associated with Islamists, even Western moralists have been known to accept them. Robert Bork, for example, recently told *The Washington*



Pakistani madrassa. Agence France Presse

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Balance Sheet

Jeff A. Taylor

Over Spray
Afghanistan's expected war on opium will not include aerial spraying of pesticides onto poppy fields. The U.S. backed the idea (and may have tried it without permission), but the Afghan government thought such spraying would scare and anger the very rural population that must agree to grow alternative crops.

Indecent Proposals
The Federal Communications Commission finally turns off the goofy Parents Television Council, rejecting 36 indecency complaints from the group involving shows like *Friends* and *The Simpsons*. The only indecent thing about *The Simpsons* is that it isn't as funny as it used to be.

Sun Rises
Sun Microsystems releases more than 1,600 patents in a bid to make its Solaris operating system an open-source darling. The hope is that freelance developers will build on and improve Sun's work, creating value as they go.

White Trash
After way too much legal wrangling, the Supreme Court lets stand a decision allowing the Ku Klux Klan to be part of Missouri's "Adopt-a-Highway" program. Klansmen can now bag roadside garbage just like decent folk do.

Extreme Decision
A U.S. district court judge dismisses porn trafficking charges against the owners of Extreme Associates (see "Xtreme Measures," May). The government cannot ban material simply on the assumption that it is objectionable, the judge rules.

Revolution Resolution
At its annual meeting, the National Black Caucus of State Legislators passes a resolution condemning the war on drugs, which jails African-Americans at alarming rates. "The war on drugs has failed," the resolution declares.

War Economy
The Iraq war begins to bite into funding for needed anti-terror systems, including intelligence gathering and airlift, while the Air Force confronts its manpower needs with the possibility of bases staffed entirely by Guard and Reserve units.

Beta Test
The U.S. entertainment industry tells the Supreme Court P2P file-swapping software can provide a "perpetual free pass" to copyrighted material. The court is poised to update its landmark 1984 *Betamax* ruling, which held that technology cannot be banned just because some people might misuse it.

Low Tech
Mysterious federal security objectives hold up IBM's sale of its PC division to China's Lenovo Group. Unnamed bureaucrats are said to fear Chinese spying will increase if the deal goes through.

Judicial Constraint
An Australian judge demands that any information on the Internet about an upcoming case be removed from circulation if potential jurors might see it. Justice Virginia Bell threatens contempt-of-court penalties for anyone, anywhere, who does not comply.

Dr. Strangelaw
The House of Representatives passes a provision that permits a few lawmakers to do the business of Congress in the event a terrorist attack or other disaster kills off scores of congressmen.

Docu Drama
The Securities and Exchange Commission has to consider cutting back on costly Sarbanes-Oxley documentation regulations almost immediately after they go into effect in January. One international bank estimates that fully 15 percent of its I.T. staff does nothing but Sarbanes-Oxley work.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Data

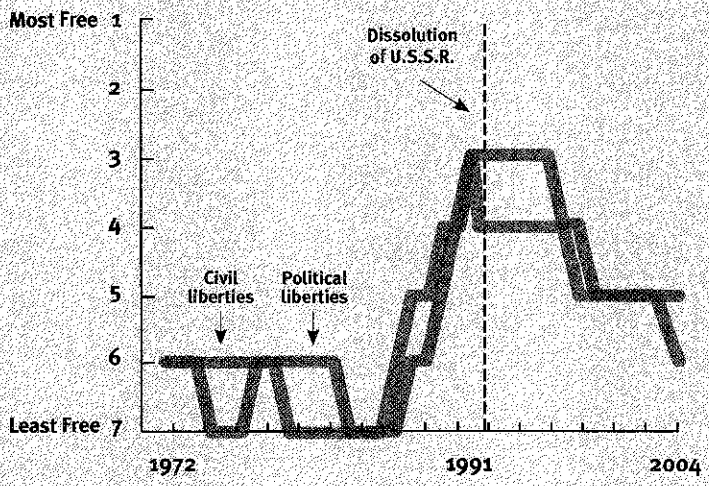
Putin on the Fritz

Julian Sanchez

Russia watchers remember the late 1980s and early '90s as a time when tyrannies toppled and the archetypal Evil Empire was dissolved. The intervening years, alas, have shown that building a free country is more than a matter of switching flags and ordering new stationery. The latest survey from the watchdog group Freedom House downgraded Russia from "partly free" to "not free." The country has fallen to its 1988 level, now sharing a "political freedom" rating with Iran and Lebanon and a "civil liberties" rating with Egypt, Qatar, and Chad.

Much of the blame lies with President Vladimir Putin, whose penchant for "managed democracy" has manifested itself in stronger state control of the press and the cancellation of regional elections. But it's worth noting that the decline into unfreedom from a post-Soviet plateau begins in the late '90s, before Putin took office. The president is not the only problem in Russia, and the country's slide into authoritarianism could outlive his departure.

Political and Civil Liberties in Russia



Source: Freedom House

federal dollars are disbursed to airports. Three evaluations found no meaningful differences in security performance between the five test airports and their federally screened counterparts. But there are other factors that might make the option attractive, most notably the possibility that flexible private contractors will provide shorter wait times and better customer service.

At press time, the government had only received one real opt-out application—from a small airport in Elko, Nevada—but House Aviation Subcommittee Chairman John Mica (R-Fla.) says about 100 airports of all sizes have inquired about the program. (The pilot-program airports will keep their contracts for the next year.) Among the large and medium-sized institutions that have expressed interest are Baltimore/Washington International, Denver International, and Washington Dulles International.

War on drugs vs. war on terror

When Wars Collide

Julian Sanchez

As democracy attempts to take root in Afghanistan, the poppy crop is doing so with greater alacrity. Opium cultivation was up a staggering two-thirds in 2004 over the previous year, according to the United Nations Office on Drugs and Crime, with only inclement weather and

Times that conservative Muslims "have good reasons to be very worried" about the spread of American pop culture, due to its baleful moral influence.

Khawaja, however, believes that it is the culture common to Islamic nations that is morally dysfunctional. He notes incidents of gang rape in Punjab, "mass rape in Darfur, female genital mutilation across parts of Muslim Africa, and honor killings of girls," concluding that "it would appear to be time for our holier-than-thou sermonizers to introspect a bit and focus on some of their own sexual hang-ups."

Airports opt out

Private Screening

Geoffrey F. Segal

In November the Transportation Security Administration began accepting applications from airports to opt out of using federal security services to screen passengers. The new option, dubbed the Screening Partnership Program, began with a five-airport pilot program but is now open to all 450 commercial airports in the U.S.

There is some evidence from the five pilot-program airports—located in San Francisco, Kansas City, Rochester, Jackson Hole, and Tupelo—that private contractors were able to make existing security dollars go further. It's not clear, however, whether greater reliance on contractors will save money in the short term, since it would not alter the formula by which

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

disease keeping the increase in the actual harvest down to 17 percent.

The Pentagon has been reluctant to have soldiers act as drug cops, but there are signs that Maj. Gen. Eric Olson's statement last summer that "at this point in time, U.S. troops will not be involved in counterdrug or counternarcotics operations" may not be the final word. It has become "absolutely clear," Lt. Gen. Lance Smith told reporters at a December 15 Defense Department briefing, that "everything that we've done in Afghanistan would be for naught if we allowed the narcotraffickers and everybody else to take over. And so it is clear that we have a role to play."

In a December *New York Times* op-ed piece, then–Finance Minister Ashraf Ghani observed that many Afghan farmers see a drug war as more threatening than the drug trade. Ghani warned against allowing Afghanistan to become another Colombia, where "brutal military campaigns against drug-cultivating communities have devastated local economies, setting off violence, which in turn has led to further repression."

It could be even worse than that. The U.N. values the opium economy at about $2.8 billion, or more than half the gross domestic product from legal activities. If the U.S. shows an intransigent commitment to eliminating the only livelihood of many farmers in Afghanistan, the source of more than 80 percent of the world's opium, it will likely strengthen rather than sunder the link between the narcotics traffic and anti-American terror. ▮

Behind the Curtain

Julian Sanchez

Mike Wilson

As the documentary form enjoys a renaissance, the time is ripe for a new version of Orson Welles' underrated masterpiece *F for Fake*, a tricky pseudo-documentary about a forger that revealed the hidden forgery in all filmmaking. That film may be director Mike Wilson's *Michael Moore Hates America*, a *Roger & Me* spoof about Wilson's hunt for an interview with the zaftig progressive filmmaker. The movie not only deflates its subject but provides a refreshingly reflective look at what it means to make an honest documentary. Assistant Editor Julian Sanchez spoke with Wilson in January.

Q: How does Michael Moore mislead people?

A: Some people call Moore lazy. He's about as far from lazy as he can be. Look at the bank scene in *Bowling for Columbine*: He was so meticulous about crafting this story that wasn't true about how you could just walk into a bank, open up an account, and get a gun. When he's interviewing the teller about where the guns are kept, she's saying there's this vault 300 miles away in the upper peninsula of Michigan, and we've got 500 guns in our vault at all times. And what he cut off was: "We have a vault 300 miles away in the upper peninsula of Michigan."

Q: Why use the phrase "hates America"?

A: I would read these great articles in Web sites and magazines about how Michael Moore misled people or had edited this in a dishonest way, and at the end they'd all sort of scream the same shrill thing: "And so, Michael Moore hates America." Which I thought was a disservice to the message that they were conveying, which was that this guy's being dishonest in an effort to both sell tickets and fool his audience. So my use is satiric.

Q: You wrestle with the ethics of your own filmmaking at a few points.

A: There's an interview with Pete Auger, the city manager of [Moore's hometown of] Davison, with whom I hadn't been upfront about what we were doing. Off camera, just as we were leaving, Pete said something like: "You know, a lot of people hear the word *documentary*, and they think Michael Moore, so they don't want to do anything. But I just trust people." It does become a central point in the film, where you ask: "What am I? What am I doing? And look how easy it is." Maybe that's what happened to Michael Moore. Maybe at some point he fell into the trap of believing the end justifies the means, that it's OK to mislead somebody to get them to say what you need them to say, because the message is more important than how you get the message.

Iran's mystery diva

Let Freedom Sing

Charles Paul Freund

IN IRAN WOMEN are not allowed to sing solo when men are present. But according to the Middle East news site Al Bawaba, "aggravated young Iranians (and there are many...) are tuning nowadays in to a mysterious voice that, according to them, symbolizes the notion of 'freedom.'"

That would be the enigmatic techno-pop diva known as DJ Maryam, whose traditional vocal trembles have been digitally intensified and who has inspired a widespread cult that mixes celebrity and martyrdom. Maryam's myth is that she has been imprisoned after being caught singing at a party. In some versions, the mullahcracy has cut out Maryam's tongue; in others, authorities have pulled out her teeth. Sometimes she has a wealthy father, but no amount of money can free her.

Not so, says DJ Maryam, who was interviewed on BBC Persian radio in October. According to reporter Shahla Azizi, "She told BBC that she is in fact an 18-year-old 'moloodi' (religious/mystic music) singer who only performs for women. She complained that her music had been recorded and disseminated without her permission, and that rumors of her arrest were unfounded....She likes [techno-pop] because it has movement in it, and that is what is needed for progress." Her real name, she told the BBC, "is Mahshar, daughter of the sun and the earth and sister of water and air."

Maryam's/Mahshar's fans interpreted the interview their own way, according to Azizi, concluding that she was forced to say what she did. One added, "She is one of us—just listen to her." ▮

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

The Pentagon's Secret Stash

Why we'll never see the second round of Abu Ghraib photos

THE IMAGES, DEFENSE Secretary Donald Rumsfeld told Congress, depict "acts that can only be described as blatantly sadistic, cruel, and inhuman." After Sen. Saxby Chambliss (R-Ga.) viewed some of them in a classified briefing, he testified that his "stomach gave out." NBC News reported that they show "American soldiers beating one prisoner almost to death, apparently raping a female prisoner, acting inappropriately with a dead body, and taping Iraqi guards raping young boys." Everyone who saw the photographs and videos seemed to shudder openly when contemplating what the reaction would be when they eventually were made public.

But they never were. After the first batch of Abu Ghraib images shocked the world on April 28, 2004, becoming instantly iconic—a hooded prisoner standing atop a box with electrodes attatched to his hands, Pfc. Lynndie England dragging a naked prisoner by a leash, England and Spc. Charles Graner giving a grinning thumbs-up behind a stack of human meat—no substantial second round ever came, either from Abu Ghraib or any of the other locations in Iraq, Afghanistan, and Guantanamo Bay where abuses have been alleged. ABC News broadcast two new photos from the notorious Iraq prison on May 19, *The Washington Post* printed a half-dozen on May 20 and three more on June 10, and that was it.

"It refutes the glib claim that everything leaks sooner or later," says the Federation of American Scientists' Steven Aftergood, who makes his living finding and publishing little-known government information and fighting against state secrecy. "While there may be classified information in the papers almost every day, there's a lot more classified information that never makes it into the public domain."

It's not for lack of trying, at least from outside the government. Aftergood, for example, sent a Freedom of Information Act request to the Defense Department on May 12, asking generally for "photographic and video images of abuses committed against Iraqi prisoners" and specifically for the material contained on three compact discs mentioned by Rumsfeld in his testimony. The Defense Department told him to ask the U.S. Central Command, which sent him back to Defense, which said on second thought try the Army's Freedom of Information Department, which forwarded him to the Army's Crime Records Center, which hasn't yet responded. "It's not as if this is somehow an obscure matter that no one's quite ever heard of," Aftergood notes.

Officials have given two legal reasons for suppressing images of prisoner abuse: "unwarranted invasion of privacy" and the potential impact on law enforcement. The Freedom of Information Act's exemptions 6 and 7 (as these justifications are known, respectively) have been used repeatedly to rebuff the American Civil Liberties Union (ACLU), which since October 2003 has unearthed more than 600 torture-related government documents but zero images.

The privacy objection is easily answered: Why not just obscure any identifying features? The law enforcement question, which has a firmer legal footing, is whether distribution of the images could "deprive a person of a fair trial or an impartial adjudication." Yet even there, the globally publicized photographs of Charles Graner, for instance, were ruled by a military judge to be insufficient grounds to declare his trial unfair. And Graner, sentenced to 10 years for his crimes, is the only one of the eight charged Abu Ghraib soldiers to contest his case in court.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

"We've seen virtually no criminal investigations or criminal prosecutions," says ACLU staff attorney Jameel Jaffer, who plans to challenge the nondisclosure in court. "The vast majority of those photographs and videotapes *don't* relate to ongoing criminal investigations; on the contrary they depict things that the government approved of at the time and maybe approves of now."

Legalities are one thing, but the real motivation for choking off access is obvious: Torture photos undermine support for the Iraq war. In the words of Donald Rumsfeld, "If these are released to the public, obviously it's going to make matters worse."

The Abu Ghraib photos did more to kneecap right-wing support for the Iraq war, and put a dent in George Bush's approval ratings, than any other single event in 2004. Conservative *New York Times* columnist David Brooks wrote two glum pieces about "the failure to understand the consequences of American power"; *The Washington Post*'s George Will called for Rumsfeld's head; blogger Andrew Sullivan turned decisively against the president he once championed; and Sen. John McCain (R-Ariz.) warned: "We risk losing public support for this conflict. As Americans turned away from the Vietnam War, they may turn away from this one."

News analyses about the war coalition's crackup competed for front-page space with the Abu Ghraib reports for nearly two weeks, until a videotape emerged showing American civilian Nick Berg getting his head sawed off in Iraq. Suddenly, editorialists were urging us to "keep perspective" about "who we're fighting against."

By that time, the executive and legislative branches had learned their lesson: Don't release images. The day after the Berg video, members of Congress were allowed to see a slide show of 1,800 Abu Ghraib photographs. The overwhelming response, besides revulsion, was, in the words of Senate Armed Services Committee Chairman John Warner (R-Va.), that the pictures "should not be made public." "I feel," Warner said, "that it could possibly endanger the men and women of the armed forces as they are serving and at great risk."

Just before former White House counsel Alberto Gonzales, author of two memos relating to interrogation methods and the Geneva Conventions, faced confirmation hearings to become attorney general, there were press whispers that the ranking Democrat on the Senate Armed Services Committee, Carl Levin (D-Mich.), might choose the occasion to force more disclosure of torture photos. It didn't happen. "He and Senator Warner," says Levin spokeswoman Tara Andringa, "are on the same page."

> The real motivation for choking off access to torture photos is obvious: They undermine support for the Iraq war.

As is, no doubt, a good percentage of the U.S. population. Public opinion of journalism has long since plummeted below confidence levels in government. Prisoner abuse wasn't remotely an issue in the 2004 presidential campaign, let alone an electoral millstone for the governing party. The mid-January discovery of photographs showing British soldiers abusing Iraqis barely caused a ripple in the States. Neither did the Associated Press' December publication of several new photos of Navy SEALs vamping next to injured and possibly tortured prisoners (prompting the *New York Post* to demand an apology from...the Associated Press).

As *The Wall Street Journal*'s James Taranto put it, with great cynicism and possibly great accuracy, "if the Democrats really think that belaboring complaints about harsh treatment of the enemy is the way to 'score points with the public,' they're more out of touch than we thought."

Looking ahead to the next four years, there is little doubt that the administration, its supporters, and Congress will use whatever legal means are available to prevent Abu Ghraib—the public relations problem, not the prisoner abuse—from happening again. The Defense Department has commissioned numerous studies about America's problem with "public diplomacy" since the September 11 massacre; all those compiled since last May hold up the iconic torture images as the perfect example of what not to let happen again.

"The Pentagon realizes that it's images that sell the story," Aftergood says. "The reason that there is a torture scandal is because of those photographs. There can be *narratives* of things that are much worse, but if they aren't accompanied by photos, they somehow don't register....The Abu Ghraib photos are sort of the military equivalent of the Rodney King case....And I hate to attribute motives to people I don't know, but it is easy to imagine that the officials who are withholding these images have that fact in mind." ■

Associate Editor Matt Welch (mwelch@reason.com) is a columnist for Canada's National Post.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

A Wave of Hot Air

After the deluge, the God talk

LAST DECEMBER, AS the world tried to grapple with the devastating scope of the tsunami that hit South Asia—at last count, the death toll stood at nearly 300,000—the tragedy became fodder for fatuous religious discussions, focusing on an ancient question: How can a just, good, all-powerful, all-loving God allow evil to happen and innocents to suffer?

"Very hard to square with an involved Deity," John Derbyshire wrote on *National Review*'s weblog, *The Corner*. "I can't do it myself, yet I am constitutionally unable to NOT believe in that Deity. I think I'll go lie down for a while."

Perhaps due to a different constitution, I can't really relate to his dilemma. My own agnostic view is that if there is a deity, He, She, or It probably isn't a hands-on manager of the world's day-to-day operations; this spares me the need to grapple with Derbyshire's paradox. Which is not to say that the post-tsunami God debate hasn't been enlightening.

For one thing, it should—but won't—lay to rest the notion that the mainstream media treat faith and its adherents with scorn, and that talk of God is somehow marginalized in our secular public square. In fact, in the aftermath of the tsunami, religion held a distinctly privileged place in America's public discourse. Numerous papers around the country ran stories on post-disaster soul searching about evil, suffering, and the meaning of life that usually gave only passing mention to nonreligious philosophies.

On the op-ed pages and on the airwaves, there were plenty of voices representing various faiths, with little if any input from humanists, agnostics, or other secularists. On CNN, Larry King convened a panel composed of Southern Baptist Theological Seminary President Albert Mohler Jr., left-wing rabbi Michael Lerner, best-selling guru Deepak Chopra, a Catholic priest, an adviser to the Muslim Public Affairs Council, and a Buddhist monk. On MSNBC's *Scarborough Country*, a similarly ecumenical gathering generously included a token atheist who could barely get in a word edgewise.

What did all this faith-based commentary offer to—as Milton put it—"justify the ways of God to man"? Most of it amounted to well-worn banalities: God's ways are mysterious and cannot be fathomed by the human mind; we know God loves us because he told us so in the Bible. There were a few half-veiled suggestions that the tsunamis were a punishment from God, or an expression of his well-deserved wrath.

The evangelist Anne Graham Lotz, daughter of the Rev. Billy Graham, made a more startling (and more original) claim on the Fox News show *The Heartland*: "Maybe in the Muslim world...people would see that Americans are not, perhaps, what the wicked propagandists would say, but they were good people and a caring people and we're going to help them. So God—you know, he has a greater purpose." God committed mass slaughter just to give America an opportunity to improve its image abroad?

Some Jewish writers offered more thoughtful answers to the question of God and evil. Jeff Jacoby of *The Boston Globe* and Rabbi Shmuley Boteach, writing in *The Jerusalem Post*, noted that in the Jewish tradition, it is entirely acceptable and even righteous for human beings to challenge and argue against God's injustice, as Abraham, Moses, and Job did in the Bible. (Boteach, the sometimes smarmy author of *Kosher Sex* and spiritual adviser to celebrities, emerged as one of the sanest and most dignified figures in this particular debate. I wanted to cheer when, in a discussion on *Scarborough Country*, he ripped

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

into a panelist who had talked of God's wrath against sinners. "God," said the rabbi, "is not a terrorist.") But it's not entirely clear what such an approach means in practical terms, in a world where people don't routinely converse with the Supreme Being—unless you count Heather McDonald's satiric suggestion in *Slate* that people should stop donating to religious institutions and attending services in order to show their displeasure to the Man Upstairs.

In any case, it really shouldn't take a mass catastrophe to raise all these hard questions about God's power and mercy. Even leaving aside human-perpetrated evils that can be said to reflect free will, untold numbers of innocents around the world, including children, die from disease and accidents every year.

When God is thanked for answering a prayer with a miraculous deliverance, it raises the inevitable skeptical question: What about all those who likewise prayed but perished nonetheless? Is the idea of a deity cherry-picking those who will survive a deadly disaster really comforting? After September 11, some credited God with ensuring that there were far fewer people than usual both in the hijacked planes and in the targeted buildings. You'd think that God could have simply tipped off the FBI.

Yet in a supposedly secularist culture where conservatives gripe that you're not allowed to talk about God anymore, mainstream public discourse rarely questions boilerplate rhetoric about God's higher purpose and the mystery of His ways. When an American soldier serving in Iraq was killed in a helicopter crash while flying home for his mother's funeral after her sudden death from an aneurism, newspaper accounts reverentially repeated a minister's assertion at the double service that God surely had a plan for mother and son. The press coverage of the memorial service for Pat Tillman, the former National Football League player who passed up a multimillion-dollar contract to enlist in the Army and was killed in action in Afghanistan, almost uniformly omitted his brother's remark from the podium: "With all respect to those who have been up here before me, Pat's not with God. He's not religious. He's dead."

Of course, when you think of the things people want to hear at a time of great tragedy, "we live in a cold and indifferent universe, and then it kills us" isn't very high on list. A great tragedy like last December's tsunami might not be a good time for any kind of philosophizing, religious or secular—particularly philosophizing by safe and well-fed people about a disaster that doesn't touch their own lives. All we can do, as human beings, is help the victims and try to prevent future catastrophes.

In his *Jerusalem Post* opinion piece, Rabbi Boteach wrote, "The human imperative is not to reckon with God's secrets but to promote those values which He conveyed as being supreme, leading with the defense of human life." That's one message both the religious and the secularists should be able to embrace. Maybe, when we work to make the world better, it's the spirit of God working through us; and maybe it's the spirit of humanity. In the end, does it make a difference? ◧

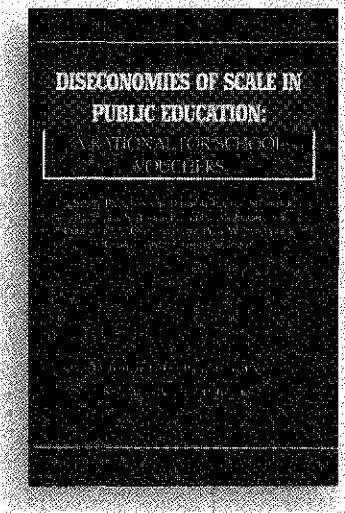
Contributing Editor Cathy Young (CathyYoung63@aol.com) is a columnist for The Boston Globe.

THE BOOK PUBLIC SCHOOL ADMINISTRATORS DON'T WANT YOU TO READ!

DISECONOMIES OF SCALE IN PUBLIC EDUCATION:
A Rational for School Vouchers

Donald P. Lade, Ph.D.

A startling revelation of over-budgeting and redundant spending in America's schools.



A study based on operational budget secrets in the public schools, including an example of bureaucratic growth in the post World War II climate of economic expansion.

55 pp./$10.00
PB ISPN 1-4134-1096-0

To order call 1-888-795-4275
or online at WWW.XLIBRIS.COM
and at WWW.AMAZON.COM

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Carrying the Torch of Freedom

Reason magazine is published with the help of readers who invest more than the price of a subscription by making contributions to Reason Foundation, a 501(c)(3) charitable organization. We are grateful to all of them for their support of our journalism and public policy research.

In this issue of *Reason*, we acknowledge members of our Torchbearer Society, a community of people who advanced the cause of "Free Minds and Free Markets" by making a contribution of $1,000 or more in 2004.

Torchbearer Council

Bruce & Giovanna Ames
Frank Baxter
Thomas E. Beach, The Beach Fdn
Frank & Shelda Bond
Lynde and Harry Bradley Fdn
California Assn of Realtors
Carthage Fdn
Rodger Cosgrove
E.L. Craig Fdn
Richard J. Dennis
William A. Dunn, Dunn's Fdn
Mr. & Mrs. David W. Fleming
General Motors
Paul F. Glenn
The Honorable C. Boyden Gray
J.W. and Ida M. Jameson Fdn
David Koch
Charles G. Koch Charitable Fdn
Lilly Endowment
Stephen Modzelewski
Sarah A. O'Dowd & Christopher P. Saari
National Federation of Independent Business
John William Pope Fdn
Procter & Gamble
The Roe Fdn
Robert P. Rotella Fdn
William E. Simon Fdn
Linda & Harry Teasley
Thomas J. Tisch
Fred M. Young
Mr. & Mrs. Pierluigi Zappacosta

Platinum Level

AECOM
American Water
Chase Fdn of VA (M/M Derwood S. Chase Jr.)
Coca-Cola
B & E Collins Fdn
Jim & Denise Curley
DaimlerChrysler
Dart Fdn
Fluor
Ford Motor
Bob & Sandy Gelfond
Granite Construction
Robert C. Hardie
Philip D. Harvey
Grover Hermann Fdn
Mr. & Mrs. John V. Hilberg
James D. Jameson
JELD-WEN Fdn
Claude R. Lambe Charitable Fdn
Macquarie North America
The Mundy Companies
Occidental Petroleum
Andy & Laurie Okun
Robert W. Poole Jr.
Mrs. Spelman Prentice
Sheldon Rose
Chris J. Rufer
Carol & Jack Sanders
Scaife Family Fdn
John Stagliano
Veolia Water North America
Alex C. Walker Fdn
James & Faith Waters
Robert M. Weekley
Ray Zemon

Gold Level

K. Tucker Andersen
Anheuser-Busch
David & Patricia Atkinson, David R. & Patricia D. Atkinson Fdn
Bear, Stearns & Co
BP
Arthur & Carlyse Ciocca
C. Coan
Cofiroute Global Mobility
Corrections Corp of America
Rosemary & William Garner Jr.
The Geo Group
Dan Grossman
G. Bradford Jones
Michael L. Keiser
Mike Laursen
Daniel C. Lynch
John P. Mackey
Management and Training Corp
Nossaman, Guthner, Knox & Elliott
Gerry Ohrstrom
Operations Management Intl
Options for Youth
Michael Robertson
James M. Rodney
Cynthia & Grant Schaumburg Jr.
Schulman Fdn
Cliff & Bobbie Slater
Vernon L. Smith
United Water Services
Mr. & Mrs. Richard A. Wallace
Bob & Zan Walter
Will Wohler

Silver Level

Irene & Simon Aegerter
Aequus Institute
Armstrong Fdn
Timothy & Virginia Beaulac
John W. Berresford
Richard C. Blumenstein
Lloyd F. Botway, Botway Family Fdn
Steven A. Colson
Continental Airlines
Timothy G. Dalton Jr.
DonorsTrust
Alfred C. Eckert III
David Evans
C. Mark Fallows
Tim Ferguson
Dwight & Pamela Filley
Marc B. Franklin
Terry & Carolyn Gannon
Gilder Fdn
Cal & Robin Glackin
Neal Goldman & Marlene Mieske
Philip & Diana Goldman
Norma Horvitz
Donald P. Jones Fdn
LCOR
Roseann Mattern
Paul McMahon
Rail World
Leslie Rose
Joe Sloan, Amicus Asset Management
Randall N. Smith & Marlyn A. Friend
Loronzo & Margaret Thomson

Bronze Level

Linda Tania Abrams
Charles Albers
Doug Anton
Arden C. Armstrong
Andrew Barth
J. Robert & Joanne Baur
E.F. Bavis
Don & Pamela Beeth
Douglas & Florence Bolton
Phil Bowers
Frank W. Bubb III
Robert D. Burch
Hans J. Burgdorf
My Hanh & Ronald Burr
Ken & Colleen Butler
Andrew Cader, The Andrew Cader Fdn
Louis E. Carabini
Willard Z. Carr Jr.
Alan M. Carroll
Paul F. Charnetzki & Anne K. Leary
Barry G. Conner
Elizabeth F. Courtney, Atty at Law
Charles Crocker
John Grosland Jr.
Mr. & Mrs. James M. Davis
Jeremy S. Davis
John Davis
Emerson Delaubenfels
Robert J. Dellenback
David T. Devlin
ArLyne Diamond, Ph.D.
Gregory F. Donahue
R. Paul Drake & Joyce E. Penner
John R. Ellis
John P. Evans
Norman A. Fox P.E.
Freedom Communications
Michael Friedman
Pamela C. Friedman
Daniel & Hilary Fylstra
Capt. James A. de Ganahl
Garvey Kansas Fdn
Charles Gelman, Charles & Rita Gelman Education Philanthropic Fund
Peter Golomb
Matthew E. Greco
Norman Greenberg
Daniel L. Gressel
Clay & Lynn Hamlin
Stina Hans
Harrah's Entertainment
Kenneth Hicks
Miss Yvette Hirth
Thornton D. and Elizabeth S. Hooper Fdn
William H. Hurt
John M. Inks
Thomas & Patricia Isenberg
Steven M. Jackson
Mal & Florence Johnson
Philip T. Johnson
William J. Johnson
James Kasper
Peter A. Kennedy
Norman V. Kinsey
Richard J. Kossmann
Peter Kukol
Gene Kusmiak
Byron & Shelby Lamm
Jay Lapeyre
Kenneth & Frayda Levy
Frank Liddell Jr., Frank A. Liddell, Jr. Fund of the Greater Houston Community Fdn
Paul & Erica Linthorst
Mr. & Mrs. William P. Loving
Allan W. Lund
Ronald I. Mandle
Steven Markoff
David R. Mason
Martin Mattern
Alice Mayer & Robert Hartford
Keith & Sara Mayers
Dr. Joseph K. McLaughlin
Michael McMenamin
Mark Metz, Metz Family Fdn
Richard E. Meyer
Adrian & Teri Moore
Ronald Mühlenkamp
Carola & David Nott
Oak Leaf Waste Management
Michael D. Olander
Kevin Parker
B. Waring Partridge III
Cynthia L. Perry
Ken & Claudia Peterson, Peterson Family Fdn
L.E. Phillips Family Fdn
Frances A. Poole
Virginia & Steven Postrel
Frank Resnik
Andrea & Howard Rich
Dr. Kelley L. Ross II
Jay Salwen, M.D.
Joël V. Sanders
Virginia Y. Scarlett
Heidi & Scott Scharfman
Bill & Kathy Schjelderup
Alex Schlegel
Ted A. Semon
Robert S. Shahin
Tom Shanks
John J.F. Sherrerd
Peter S. Sherrod, M.D.
Charlie & Elizabeth Silver
Dr. Jeffrey A. Singer
Carl B. Singmaster
Jeffrey A. Smith
Al St. Clair
Tarna Starr
Scott A. Stephens & Barb Burch
Ward S. Stone Jr.
Robert F. Stovicek
Robert Swanson, Linear Technology Corp
Lloyd Taylor
John Telesio
Dr. John M. Templeton Jr.
Robert M. Thompson Jr.
Richard C. Thurber
John P. Torrance
J. Thomas Touchton
Brian S. Tracy
Brian Travis & Heidi Frederick
Mark Ulrich
Matthew T. Ungs
Jon B. Utley
James C. Utterback
Eugene Voiland
J.D. & Gretel Von Pischke
Richard K. Wagner
Christopher W. Walker
David Walrod
Watson Land
Mr. & Mrs. James F. Webert
Richard W. Weekley, Richard W. Weekley Family Fund of the Greater Houston Community Fdn
Mark G. Wels
Harry L. White
Stanley J. Wiegand
Ruth & A. Morris Williams Jr.
Dean C. Williams, Williams & Williams Auctioneers
Winchester Fdn
Terry & Shelley Wintory
Barry L. Wolfe
Richard M. Wolfe
Arthur Yakubovsky
Jeff Yass
Robert A. Zadek
Dean A. Zarras
Eric & Katina Zepp
George Zimmer

Contributions are deductible in accordance with the Internal Revenue Code. Donate at Reason.org/donate or by calling Donald Heath or Melissa Palmer at 310-391-2245.

Reason Foundation
3415 S. Sepulveda Blvd. Suite 400
Los Angeles, CA 90034

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Tidal Waves and Tariffs

The feds' foolish fight against Third World shrimp

Less than two weeks after a 40-foot wave flattened swaths of Southeast Asia, the United States slapped a new round of tariffs on India and Thailand. As the federal government promised $350 million and private citizens pledged even more, the message to survivors was clear: Have our Marines, our pity, and our cash, but for the love of God, do not send us your cheap shrimp.

Thanks to the U.S. International Trade Commission (ITC), Thai shrimp farmers have had to deal with more than flattened farms. Along with Vietnam, India, Ecuador, China, and Brazil, Thailand is the unlucky target of an anti-dumping suit filed by American shrimpers. In January the ITC sided with the plaintiffs, paving the way for tariffs.

It's not surprising that Americans haven't heard much about the shrimp debacle: Shrimping represents a tiny fraction of our national economy. But in the targeted countries of Southeast Asia, things are a little different.

The last decade has seen developing nations turn to aquaculture as a way to climb out of poverty and jump into the world economy. It's been a rare development success story for international aid organizations, whose start-up assistance American shrimpers refer to as "unfair subsidies."

The dumping allegations are based on discredited methodologies, but it doesn't take sketchy calculations to figure out why imported shrimp is such a bargain. In the U.S., shrimpers haul out gas-guzzling trawlers and catch shrimp in the wild, while in Asia, farmers raise shrimp in mesh cages. Throw in cheaper labor and better weather, and developing nations have a clear advantage in the global market. Dumping? Hardly. This is free trade—a gospel Americans have been preaching to Southeast Asia for decades.

Subsidies do have their place in the anti-dumping hysteria, but the handouts are happening right here at home. The Southern Shrimp Alliance, a coalition of American shrimpers, has happily accepted federal cash to fund its war against farmers in impoverished countries like Vietnam.

But if you're not so keen on having your taxes keep an industry on life support, worry not. Thanks to something called the Byrd Amendment, Louisiana's shrimpers should be off the dole any day now. The amendment ensures that duties collected in anti-dumping cases are paid directly to American producers.

So *you* won't be propping up Big Shrimp. The Third World will, as duties on its imports are collected by an American industry that can no longer compete.

Vietnamese shrimp farmers may not have much clout in Washington, but they've got pissed-off allies pulling for them. Wally Stevens, the president of the American Seafood Distributors Association, says U.S. trade czars lack the "common sense of a third-grader." The ITC ruling, he says, will threaten 20 times the number of jobs it protects. Distributing and serving shrimp is a much bigger business than fishing for it, and as prices shoot up American jobs will be lost. During the last decade, shrimp has gone from pricey restaurant fare to supermarket fodder. Soon we may be back where we started.

The ITC ruling included a promise to "review" the cases of Thailand and India, where waves wiped away entire farms and the people who farmed them. But the tariffs went into effect in January, and at press time there were no signs of easing up on any other countries that dare supply cheap seafood to hungry Americans.

Whether or not the tariffs stay in place, it's a curious message we send to a region absorbing historic amounts of foreign aid. As American agencies offer food and education to impoverished Southeast Asians, American trade laws are closing markets and crushing industries.

Western politicians ask why billions in assistance have yielded precious little, but handouts can go only so far. The farmers of Vietnam, Thailand, and India don't want to spend the rest of their lives accepting our aid. They just want to sell us shrimp.

Kerry Howley (khowley@reason.com) is an assistant editor at **reason**.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

The Death of Social Security

Debating Bush's plan for private retirement accounts

James K. Glassman and Tyler Cowen

As George W. Bush's second term begins, no item on his agenda is more controversial than Social Security privatization—that is, allowing Americans to divert at least some of their payroll taxes into personal accounts that they can invest in mutual funds or similar instruments. So far, Bush's own plan has been maddeningly vague, but it has opened up a serious debate about transforming a government program that was once so sacrosanct that it was called "the third rail of American politics."

Is privatization necessary? Preferable? Politically viable? In January, with Bush's second inaugural in the offing, **reason** invited James K. Glassman, a fellow at the American Enterprise Institute and host of TechCentralStation.com, to discuss and debate the ins and outs of Social Security reform with Tyler Cowen, the Holbert C. Harris professor of economics and director of the Mercatus Center at George Mason University.

Social Security's Fortuitous Crisis

James K. Glassman

This August marks the 70th anniversary of Social Security. If it ever had a reason to exist, it doesn't any more.

Social Security has three big problems, all of which can be solved by allowing Americans to invest—on their own—part of what they are now forced to send to Washington in payroll taxes.

First, Social Security is a blight on liberty. It extracts a big chunk of the pay of working people to benefit the retired. The vast majority of Americans are perfectly able to handle their own retirement savings, just as they buy their own food, clothes, and shelter. Even if we concede that government needs to force all Americans to save today so that taxpayers won't have to chip in to prevent the profligate from starving in their old age, why do we all have to buy the same annuity with the same terms from the same provider—that is, the government itself?

Second, Social Security creates a vast moral hazard. Since its implicit message is "Don't worry—Uncle Sam will protect you in your old age," it's a huge encouragement to spend rather than to save for your own or your family's needs.

Third, Social Security is a terrible retirement system, a Ponzi scheme that was inevitably going to collapse of its own weight. Instead of a conventional retirement account, with real assets accumulated over time, it was constructed as a pay-as-you-go plan: Current workers pay the

Jack McConnell

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

bills of current retirees. (There's a small amount left over for a so-called trust fund, which predictably has become a piggy bank for the rest of the government.)

The first retirees in the system were big winners. For example, the very first recipient, Ida May Fuller, paid in $44 and collected benefits of $20,934. Times were different then. In the 1930s, 11 workers supported each retiree. The ratio is now 3.3 to 1. Soon it will be 2 to 1 and stay there. In 1929 life expectancy was 57; today it is nearly 80. Americans receive benefits far longer than they did before, and they can start earlier. Meanwhile, work force growth is slowing, and benefits are rising faster than inflation, since they are geared to wages, not prices.

As a result, by 2018, according to current predictions, retiree benefits will exceed workers' taxes paid into the system. Social Security will then present its IOUs to the Treasury for payment. The only way to get the cash will be to raise taxes, cut other government programs (fat chance), or borrow like crazy.

The system has been saved from insolvency in the past mainly by higher taxes. As a result, the actual returns that workers will receive from their contributions are minuscule: an estimated 1.5 percent annually after inflation for a typical person born in the last 30 years. Compare that with the average yearly return since 1926 from an account invested half in a stock index fund and half in Treasury bonds: 5 percent after inflation.

It's not surprising that young people especially have little taste for Social Security and little faith it will survive. The good news is that the impending disaster offers an opportunity to fix Social Security once and for all. The solution should:

• Guarantee the benefits of everyone now getting them, as well as others on the brink (say, those 55 and older).

• Gradually index future benefits to inflation, rather than wages, and increase the retirement age (currently 65 for those born before 1960, 67 for those born afterwards) by another year or two.

• Allow those under 55 to opt out of the current system by investing up to half of the retirement part of their payroll taxes (which totals roughly 10 percent of pay, including both the employee and employer contributions, for middle-income Americans) in an account with mandatory provisions that would restrict investment choices and require phased withdrawals starting perhaps at age 60 or when sufficient funds are acquired. Otherwise, ownership of the account would be unfettered and would belong to the worker and his heirs. It could be used to buy an annuity or simply provide needed income.

• Reduce, accordingly, the Social Security benefits of those opting out.

As the new system proves successful, gradually allow all former Social Security retirement deductions to go to personal investment accounts and broaden choices for those accounts.

Just before the last election, Investors Action, a new advocacy group that I chair, commissioned Public Opinion Strategies to poll likely voters on their willingness to switch to a system like the one I've described above. Among all voters under age 65, a slight plurality wanted to switch, 49 percent to 46 percent. But among those aged 35 to 44, the margin favoring switchers was significant: 61 percent to 33 percent. Among those under 35, some 64 percent wanted to switch.

Despite Social Security's reputation as the "third rail" of politics, intelligent discussion of the issue has been possible. Such congressional advocates as Rep. Jim Kolbe (R-Ariz.) have called for personal accounts repeatedly and have been elected repeatedly. President Bush said during the last campaign that he backed reform, implying that he supported some form of privatization, although he didn't spell out the details (and still hasn't as of this writing).

Bush evidently understands that Social Security reform could transform politics more broadly. Public Opinion Strategies, in another poll we commissioned after the election, found that investors (defined as people owning stocks or bonds, individually or through mutual funds) voted for Bush over Kerry, 52 percent to 46 percent, while noninvestors voted for Kerry over Bush, 54 percent to 45 percent.

What was striking was that the investor-Bush link remained strong at all income and demographic levels. For example, among those making less than $40,000 a year, a Democratic stronghold, investors were almost evenly split, with 47 percent voting Kerry and 46 percent Bush. But noninvestors voted for Kerry massively, 57 percent to 36 percent.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

There's a good case to be made that becoming an investor increases a person's stake in free markets. Reforming Social Security using personal accounts would probably increase the proportion of Americans who are investors from about 50 percent today to about 80 percent in a few years.

Can Americans handle this much freedom? More than two-thirds of Americans (and 83 percent of married Americans) have bought a house—a far more difficult and risky investment than funding, over 40 years, a long-term account split roughly evenly, as I would advise, between stocks and bonds. Social Security treats Americans as children, keeping them in a kind of bondage, beholden to government for no good reason. The opportunity has come, at long last, to break the chains.

Cut the Benefits, Hold the Accounts

Tyler Cowen

We can improve Social Security, but let us opt for a sound transition. Unfortunately, some proposals would restrict liberty and responsibility rather than enhancing them.

I agree with James Glassman's first and second suggestions, namely that we should guarantee benefits for the current elderly and gradually index future benefits to inflation. The latter proposal would cause benefits to rise at a slower rate than otherwise, since current benefits are indexed to wages rather than to prices. It also would suffice to bring the system into future fiscal balance.

But here we begin to differ. Glassman proposes new private but government-regulated accounts. My alternative proposal is simple: Keep the limits on benefits but do not create the new system of accounts.

Of course we *already* have private accounts, which anyone can, if they wish, hold at Merrill Lynch, Bank of America, or Fidelity. Individuals can save in (relatively) unregulated fashion, and in some cases in tax-free or tax-reduced form (e.g., IRAs and 401(k) plans). It runs counter to both liberty and responsibility to set up a new system of "private" accounts with regulated contributions, investments, and withdrawals. We would end up adding to government involvement in the market economy, not diminishing it.

Whether we like it or not, government would come to be seen as offering an implicit guarantee for these accounts. If the stock market were to stay low for 10 or 15 years, retirees would demand that government supplement their returns. Government would feel pressure to cough up additional revenue exactly when the budget would be in the tightest squeeze. The result would be higher taxes in times of recession, exactly the opposite of what is appropriate. (It is true that government does not end up guaranteeing current IRAs, but that is only because we already have Social Security as a backstop.)

The private accounts would function as a kind of forced saving, as Glassman admits. But how much can government really force people to save through this kind of mechanism?

You can make people lock up funds in an account, but they can respond by borrowing more on their credit cards, taking out a bigger mortgage, and in general investing less in their future. The net increase in savings will be much less than the mandated increase. So the government will control more of our lives but without making our old age much safer. In essence we would see substitution from privately initiated saving to government-controlled saving. Is this really a step in the direction of liberty and responsibility?

James K. Glassman: Social Security is a blight on liberty. It extracts a big chunk of the pay of working people to benefit the retired. The vast majority of Americans are perfectly able to handle their own retirement savings, just as they buy their own food, clothes, and shelter.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Tyler Cowen: It runs counter to both liberty and responsibility to set up a new system of "private" accounts with regulated contributions, investments, and withdrawals. We would end up adding to government involvement in the market economy, not diminishing it.

And what will happen to the efficiency of private capital markets? Glassman already has admitted that investment choices will be "restricted." By whom? According to what standards? Will the government use these regulations to punish unpopular companies? How about companies that (supposedly) break the law? How about companies that supported the other political party? The proposal invites a politicization of investment decisions.

The Glassman proposal also would raise your taxes. Keep in mind that Social Security, whether we like it or not, is structured as a pay-as-you-go system. That means current taxpayers fund current retirees. If we allow current taxpayers to divert funds into private accounts, how do we fund the (constant) benefits to current retirees? It has to be either taxes or borrowing, and the latter means future taxes. Depending on how many people wish to switch to the private accounts, the size of this tax increase could run to the trillions.

In fairness to Glassman's proposal, it can be argued that these taxes would have been coming anyway. When subsequent generations of the elderly retire, we must pay taxes to fund their benefits. So arguably the Glassman reform is simply taking an implicit future liability and making it explicit in the present.

Unfortunately, the reality is grimmer than such logic would suggest. In theory it would work if government raised our taxes today, and then cut our taxes tomorrow as future retirees relied more on their personal accounts. But is that how governments operate? How often do they cut taxes just out of generosity? More likely they would keep the higher levels of taxation (and/or borrowing) in place. The plan would lead to a permanently larger role for government.

Whatever the problems with Glassman's idea, you might object, isn't the current system even worse? The correct comparison is not with the status quo but rather with caps on benefit increases. Those caps would bring fiscal stability to the system without requiring tax increases. Over time Social Security taxes could be cut. Individual saving would be encouraged. We could reap the higher returns available on private investment. At the same time we would not be breaking promises to current or near-term retirees. Even long-term retirees would receive a level of benefits at least as high as today.

And consider how benefit caps would operate in the long term. As benefits are held constant in real terms and the economy grows, the relative size of the Social Security program will shrink. Over time Social Security will become very small, in real terms, relative to the economy as a whole. This requires some patience, but it is the best recipe for privatization we have available. And it does not require additional regulation of savings or investment.

Glassman asks, "Can Americans handle this much freedom?" I think they are ready to handle more liberty than he is proposing.

Proceed With Caution

James K. Glassman

Tyler Cowen would reform Social Security by capping benefits, thus forcing people to save more on their own through existing private mechanisms, including IRAs, 401(k)s and taxable mutual funds, stocks, and bonds.

I am not sure what Cowen means by "caps." The implication is that he would stop increasing benefits, period. If inflation runs 3 percent annually, that would mean that

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

in 24 years retirees would have half the purchasing power from their Social Security payments as retirees today.

Slowing the rise in benefits is part of my own proposal as well. I want to boost payouts to retirees each year according to the consumer price index, not according to the annual rise in wages.

Cowen's notion is only one step removed from the plan Milton Friedman outlined in *Free to Choose* and earlier writings: repeal payroll taxes immediately, keep doling out benefits to people currently in the system, pay all younger participants off (either in an annuity or in government bonds) for the value of what they have contributed, and let everyone fund his own retirement. Friedman would fund the reform by issuing new federal debt.

"This transition," he writes, "does not add in any way to the true debt of the U.S. government. On the contrary, it reduces that debt by ending promises to future beneficiaries. It simply brings into the open obligations that are now hidden. It funds what is now unfunded."

Let me be clear: I love the Friedman strategy, but it has two drawbacks. First, it is wildly impractical. There is zero chance that Congress will either shut down Social Security or, in the Cowen version, bleed it to death. Reformers need to be more subtle. Slowing the increase in benefits would, in a less brutal and more gradual way, force Americans to save more and rely on Social Security less.

The second problem is that in the United States we don't let people starve. Some people simply will not save for their own retirement—especially after 70 years of relying on the government. Even Hayek agreed that some form of forced savings is necessary to keep taxpayers from having ultimately to foot the bill for those who don't provide for their own future.

For this reason, and to meet political practicalities, mandatory elements are necessary in any reform plan—at least as a start. As I said in my first piece, these strictures can be phased out later as it becomes clear the plan is a success and as people get used to doing it themselves.

This is a good time to lay out the specific mandatory elements.

People who opt out of Social Security with, say, four percentage points (including the employer's contribution) of the 10 points that now go to the retirement part of payroll taxes must put that money into a personal retirement account (let's call it a PRA). The PRA would be privately managed and administered, but the investment choices would be limited—say, to six funds: two U.S. stock index funds (an S&P 500 fund and a broader, total-market fund), a corporate bond fund, a Treasury bond fund, a money market fund, an international stock fund, and a fund whose assets are split roughly 50-50 between stocks and bonds. A further requirement might be that persons over 50 would have to put all of their new PRA contributions into the last type of fund, to dampen volatility just before retirement. (A portfolio split 50-50 in this way has never lost money in any 10-year period since 1926.)

There would be restrictions on withdrawals from PRAs as well. We could say that, at age 60 (or at the time of the accumulation of at least $1 million in assets), a participant could either purchase an annuity or begin withdrawing 10 percent of the account each year.

I am not happy about this sort of engineering, but I think it is necessary to passing some kind of reform. Also, I agree with Cowen that these protections are not foolproof. Some people might borrow away all their savings.

The counterargument to this compromise plan is that Democrats, who understand that a nation of investors is the death knell for New Dealism (and thus the end of their party as we know it), will oppose Social Security reform in any form, so why not the best? Perhaps, but my strong impression is that many Republicans are squeamish about major changes in a popular system that dates back to FDR. Proceeding cautiously, putting a firm foot in the door, is a better approach.

I'm Not Milton Friedman

Tyler Cowen

We can and should reform Social Security without the mandatory elements postulated by James Glassman. Still, Glassman and I are in more agreement than he has noticed. He writes: "I am not sure what Cowen means by 'caps.' The implication is that he would stop increasing benefits, period." But I did note that "I agree with James Glassman...that we should guarantee benefits for the current elderly and gradually index future benefits to inflation."

So my plan would not create any new problem with starvation. Furthermore, rising real incomes over time will supplement these benefits, so each

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

generation of the elderly will still be better off than the last, even without the government-managed private accounts Glassman calls for.

Glassman compares my ideas to Milton Friedman's plan, but the differences are significant. Most of Glassman's response thus really concerns Friedman, not my own notions of what we should do with Social Security. Some differences I have with Friedman: I don't think we can abolish the payroll tax, or that we can "buy people out" from the system.

To the benefit caps that we really agree on, Glassman wants to add government-regulated personal accounts. The economics here are straightforward, once unbundled from benefit caps. Our government would raise taxes (or borrow) to finance further private investment in equity markets. Furthermore those investments are to be regulated by the government. I expect that **reason** readers, once they hear the plan described in these terms, will be suspicious.

Glassman makes two arguments about my proposal. First, he says it is too radical. But his points refer to Friedman's views, not mine. My own plan actually deviates from the status quo less than Glassman's does. We both agree on benefit caps. He wants to add an additional change —regulated personal accounts. I want to leave this choice in private hands. Of course, the mere fact that my plan is less radical does not mean it will be adopted. But a) it is a viable contender, and b) we should first put forward what is best to do.

Glassman's second argument is that my plan would lead to starvation. Again, this is confusing my plan (cap real benefit growth gradually over time) with Friedman's idea to shut down Social Security altogether. Furthermore, this emphasis on "starvation" is further reason to believe that if Glassman's regulated private accounts underperformed, government would step in to fill the gaps. We would end up with the worst of both worlds.

I maintain my suspicion that Glassman's proposed transition will lead to a long-run increase in taxes and the size of government. Yes, we are just trading in implicit for explicit liabilities. But as I argued, taxes and borrowing will go up in the short run under Glassman's plan. I worry about this outcome. I do not trust government to lower future taxes simply because it will not need the money to pay future Social Security benefits.

The First-Best Approach

James K. Glassman

Now that Tyler Cowen has clarified his position, he makes a good argument for a second- or third-best approach to Social Security reform: Slowly squeeze recipients through lower benefits, pressuring them to save more—but do nothing to set up special tax-advantaged retirement accounts. I worry, however, that, rather than promoting more personal responsibility for retirement saving, the Cowen plan would create a powerful constituency for reinstating the current benefit levels and even raising them.

We need to get Americans out of the habit of expecting government will provide them with most of their retirement income (the role Social Security plays for two-thirds of the nation) and instead demonstrate clearly that there is an alternative. My plan, which is probably close to what the Bush administration will propose, also calls for reducing benefits, by indexing them to inflation rather than to wages. But I believe that America's workers should have the choice of putting, to start, up to half of the retirement portion of

James K. Glassman: Private retirement accounts will be a blessing for tens of millions of low- and middle-income Americans who have little or no savings. As we've seen in Chile, when people are introduced to investing in stocks and bonds, they like the experience.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Tyler Cowen: Under Glassman's plan, our government would raise taxes to finance further private investment in equity markets. Furthermore those investments are to be regulated by the government. I expect that **reason** readers, once they hear the plan described in these terms, will be suspicious.

their payroll taxes (about 5 percent of a middle-income salary) into a personal retirement account. That account, of political and social necessity, would have some restrictions on investment choices and on the timing and amount of payouts. Cowen makes meritorious libertarian arguments against such restrictions, but I am convinced a Social Security reform consisting simply of benefit cuts has no chance of passage—nor does the more sweeping Friedmanesque reform I described.

I reject Cowen's contentions that government would "step in to fill the gaps" if private accounts underperform, and that a scheme like mine will "lead to a long-run increase in taxes." First, government has never stepped in to make shareholders whole in the case of other "regulated" (as Cowen calls them) retirement accounts such as IRAs, 401(k)s, and the Thrift Savings Plan for federal workers, and the chances that such accounts will perform worse than Social Security itself over time are essentially nil, if we judge from history. Second, Cowen's own plan is just as likely to lead to tax increases. Almost certainly, as in the rescue in the 1980s, the formula for keeping the leaky Social Security system afloat will be a combination of higher taxes and lower benefits.

Finally, the establishment of private retirement accounts—even with restrictions—will be a blessing for tens of millions of low- and middle-income Americans who have little or no savings. As we've seen in Chile, when people are introduced to investing in stocks and bonds, they like the experience and want more. The problem today is that payroll taxes are so high that young people especially don't have the cash to save and invest. Reforming Social Security would change that.

Reform also should have a profound effect on the political system, which is why the left so fiercely opposes personal accounts. (*The New York Times* is almost hysterical on its editorial page.) In the last election, investors across the board preferred Bush over Kerry compared with non-investors. About half of American families hold stocks and bonds, and that ownership appears to change their perspective on capitalism and markets for the better. Imagine if 80 percent of U.S. families owned stocks and bonds. That's what Social Security reform would do.

Yes, Let's Choose the First Best

Tyler Cowen

I've already discussed most of the substantive points Glassman offers. I would like to note two points of terminology:

1) It is unusual to write, "Now that Tyler Cowen has clarified his position..." when I simply repeated what I had already said in my first contribution to this exchange.

2) Second, Glassman still misrepresents my opinion. He writes that my idea would: "slowly squeeze recipients through lower benefits, pressuring them to save more."

But I wrote: "I agree with James Glassman's first and second suggestions, namely that we should guarantee benefits for the current elderly and gradually index future benefits to inflation. The latter proposal would cause benefits to rise at a slower rate than otherwise."

More generally, I'll repeat my core characterization of the Glassman (Bush?) proposal. It suggests that the government should tax/borrow more money so that some American citizens can invest more in stocks. I'll vote no on this idea and hope that something better comes along. ■

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Homeschooling in Tempe, AZ. ©AP/Wide World Photos

Homeschooling Alone

Why corporate reformers are ignoring the real revolution in education

Greg Beato

IT'S SATURDAY MORNING in downtown Modesto, California, and for a city with 200,000 residents, not much is happening. The streets are mostly empty, and the outdoor tables at Starbucks are unoccupied. Outside the Modesto Convention Center, though, a steady wave of soccer moms (and a smattering of soccer dads) are pushing strollers and lugging plastic shopping bags as they enter and exit the center's 12,000-square-foot exhibition hall. Inside, representatives from dozens of educational publishers and related concerns pitch their wares to the attendees of the Valley Home Educators 11th Annual Home Education Convention.

Valley Home Educators is faith-based, and so are many of the exhibitors and

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Instead of dumping billions each year into the public school system, as government does, today's private-sector benefactors forge an entirely different path, dumping only hundreds of millions each year into the system.

seminar speakers. Among the mainstream basic skills primers and educational toys on display, there are titles like *The Christian Teaching of Mathematics and Biblical Economics in Comics*—along with items that could send secular public school dissidents fleeing to the comfort of their local PTA meeting. One vendor is distributing a pamphlet whose cover displays a terrified tot; the title is *The Urgency of Enforcing Parental Discipline*. Elsewhere *Robert E. Lee: Gallant Christian Soldier* is available, and there are workshops on "Biblical Principles for Government" and "Preparing Sons to Provide for a Single-Income Family."

But what's at least as striking as the event's religious component is how enthusiastic everyone is. The aisles buzz with the energy characteristic of all large gatherings where hitherto unlinked individuals are thrilled to discover that, yes, there are others—lots of them!—who dress up like giant plush toys, or consort with medically invasive aliens, or teach their kids at home. And it's not just the parents who are excited. Young teens are leafing through math instruction systems, skimming adventure novels, and generally displaying the well-mannered exuberance of trained dolphins.

A semi-exclusive door policy is in effect: Children under the age of 12 are out of luck, unless they happen to be "nursing infants whose parents are considerate of others." Presumably, this means that everyone else is welcome—including, say, grant makers, former CEOs with a penchant for pedagogical re-engineering, and pretty much anyone else from the world of mainstream education reform. No one like that has shown up, however. Despite homeschooling's increasing popularity—a recent report from the U.S. Department of Education estimates that approximately 1.1 million students are now being homeschooled in the United States—neither corporate altruists nor philanthropic foundations have shown much interest in it.

Instead, would-be reformers continue to give generously to a public school system they routinely condemn as inefficient, dysfunctional, and hopelessly obsolete. To fix such a system, they say, it will take fresh thinking, radical change, a completely new approach. So instead of dumping billions each year into the public school system, as the federal government does, today's private-sector benefactors forge an entirely different path, dumping only hundreds of millions each year into the public school system. They promote charter schools (which boast a nationwide enrollment of around 500,000). They champion school vouchers (which are currently used by fewer than 20,000 students nationwide).

The Business of Reform

In doing so, they overlook people like Joyce and Eric Burges, who are at the Valley Home Educators convention promoting their organization, the National Black Home Educators Resource Association. The Burgeses produce an annual symposium for African-American families in their home state of Louisiana, and Joyce Burges dreams of opening up a series of private learning centers where homeschooling parents can combine resources and offer instruction in a central location. In pursuit of this goal, Burges has reached out to local businesses and foundations, but few have responded so far. "We're an upstart, grassroots organization," she says, "so I'm asking businesses for anything that can help us get the word out that parental involvement in education is a viable way of ensuring that children do exceptionally well....A lot of them say, 'Yes, we sense your passion, but we can't really do anything.'"

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

According to the American Society for Training and Development, a workplace-learning trade group based in Alexandria, Virginia, a survey of *Fortune* 500 companies found that teaching employees "basic skills" accounted for 17 percent of their training costs in 2002. Similarly, in a 2001 survey conducted by the National Association of Manufacturers, 32 percent of the companies responding reported that their workers had poor reading and writing skills; 26.2 percent said their workers' math skills were inadequate. By 2010, the U.S. Department of Labor predicts, America will face a shortage of 12 million qualified workers in the job market's fastest-growing sectors.

While public school reform has existed for almost as long as public schools have, the business world has made it a major preoccupation over the last two decades. In April 1983, a federal report titled *A Nation at Risk* helped kick off the modern era of Whither Our Schools? malaise. "If an unfriendly foreign power had attempted to impose on America the mediocre educational performance that exists today, we might well have viewed it as an act of war," the report declared. "If only to keep and improve on the slim competitive edge we still retain in world markets, we must dedicate ourselves to the reform of our educational system

Homeschooling Facts

Greg Beato

How many homeschoolers are there?

In 1999 the U.S. Department of Education, via the National Household Education Survey Program, estimated there were 850,000 homeschooled students in the United States. In 2003 it estimated that the number had grown to 1,096,000.

Brian Ray of the National Home Education Research Institute, a nonprofit organization based in Salem, Oregon, puts the numbers higher. He estimates that during the 2002–03 school year there were 1.7 million to 2.1 million homeschooled students in the U.S.

In 1999 the Department of Education estimated that homeschooled students represented 1.7 percent of the country's 5 to 17 year olds; in 2003 it estimated that this number had grown to 2.2 percent. Based on Ray's high-end estimate, homeschooled children represent 4.2 percent of the school-age population.

What are the most popular reasons for homeschooling?

As part of the 2003 National Household Education Survey, respondents who homeschooled their children were asked why they chose to do so. Their three most popular responses were: 1) concern about the environment of other schools, 2) a desire for religious or moral instruction, and 3) dissatisfaction with the academic instruction available at other schools.

In 2004 Brian Ray published *Home Educated and Now Adults*, a book based on his survey of 7,000 adults who had been homeschooled as children. Here are the top five reasons Ray's respondents said they or their parents engaged in homeschooling: 1) can give child a better education at home; 2) religious reasons; 3) teach child particular values, beliefs, and worldview; 4) develop character/morality; 5) object to what school teaches.

How does the general public view homeschoolers?

More favorably than it used to. The Phi Delta Kappa/Gallup Poll is an annual survey of the public's attitude toward public schools. In 1985, when it first asked respondents if they felt the homeschooling movement was "a good thing or a bad thing for the nation," only 16 percent of the respondents said it was "a good thing," while 73 percent said it was "a bad thing." In 2001, the most recent year the poll included questions about homeschooling, 41 percent said it was "a good thing" and 54 percent said it was "a bad thing."

What does the law say about homeschooling?

Since 1993 homeschooling has been legal in every state, albeit with differing degrees of oversight. According to the Home School Legal Defense Association:

- 10 states have no regulation. Parents aren't required to notify the state that they're homeschooling their children.
- 14 states have low regulation. Parents are required only to notify the state that they're homeschooling their children.
- 15 states have moderate regulation. Parents are required to notify the state that they're homeschooling their children, and they must also send test scores and/or professional evaluations of their child's academic progress.
- 11 states have high regulation. Parents are required to notify the state that they're homeschooling their children, they must send test scores and/or professional evaluation of their child's academic progress, and they must fulfill other requirements as well, such as using only state-approved curricula and allowing home visits by state officials. ■

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

for the benefit of all—old and young alike, affluent and poor, majority and minority. Learning is the indispensable investment required for success in the 'information age' we are entering."

There was plenty of evidence to support such pessimism. In 1982, for example, *Time* reported that half of the employees at Ford who'd been selected to learn new statistical process control techniques couldn't understand the training materials due to poor reading and math skills. Similarly, when a G.M. plant issued a questionnaire asking employees what kind of basic training they needed, many couldn't understand the questionnaire well enough to complete it.

As part of his 1991 proposal to overhaul the nation's education system, President George H.W. Bush invited big business to take part in the fun. "The architects of the New American School should break the mold," he advised. "Build for the next century....Start from scratch and reinvent the American school....There's a special place in inventing the New American School for the corporate community, for business and labor." Instead of starting from scratch, though, pedagogical turnaround artists sought out the familiar. Public schools had market share. They were semi-desperate for cash and thus fairly compliant. In the software world, Microsoft is known for "embracing and extending" popular standards developed elsewhere. In the realm of education, virtually every corporate philanthropist employs this strategy, and thus the money flows to public schools.

A few months after Bush's 1991 address, a group of CEOs created the New American Schools Development Corporation. Furnished with $130 million in contributions, they aimed to shake up "the nation's stagnating education system with the entrepreneurial spirit of the private sector." In 1993 billionaire publisher Walter Annenberg upped the ante with a $500 million pledge for public schools. A year later, IBM introduced its Reinventing Education initiative; during the next decade, it invested $70 million in the program. Since its 2000 inception, the Bill and Melinda Gates Foundation has distributed more than $600 million to 1,457 high schools and committed more than a $1 billion to the Gates Millennium Scholars program, a college scholarship program for low-income minority students. Hewlett-Packard has contributed hundreds of millions of dollars in equipment and cash to schools and universities. Wal-Mart donated $40 million to education-related causes in 2003. According to the Foundation Center, a nonprofit organization that compiles information on U.S. philanthropy, elementary and secondary schools received $1,176,520,000 in grants during 2002, or roughly 7.4 percent of all distributions that year.

In a public school system where expenditures for 2003–2004 totaled a whopping $501 billion, though, $1.1 billion takes you only so far—especially since some of that money was actually donated to private institutions. In 1992 the "status dropout rate," which represents the percentage of 16-to-24-year-olds who aren't enrolled in school and haven't earned a high school credential, was 11 percent. A decade later, in 2001, it was 10.7 percent. SAT scores are less stagnant. In 1991 the average score was 999 (adjusted to account for subsequent changes in the scoring scale). In 2004 it rose to 1026. Even so, both colleges and employers continue to report that many high school graduates are unprepared for higher education or the workplace. According to the National Center for Education Statistics, 28 percent of incoming college freshman took at least one remedial course in 2000.

Learning Factories

Against such stats, another set of numbers looms: The public school system is 90,000 schools strong, 3 million teachers wide, 47 million students deep. So while it's easy enough to demand euthanasia, it's another thing entirely to actually kill the beast.

And for the business community, such grave measures would also be an admission of failure. While corporate reformers often talk as if every public school failure can be blamed on the inevitable inefficiencies of public-sector monopolists, the truth is that private forces have been helping to shape America's public education system since its inception. In the 19th century, for example, wealthy philanthropists popularized the idea that tormenting children with fractions and vowels required specialized training and certification; the teaching colleges they helped create ushered in the era of the professional instructor. In more recent years, as education historian David Tyack has pointed out, it wasn't just fuzzy-minded progressives who sabotaged our schools with holistic curricula like metal shop and driver's ed. For those innovations, we also have the National

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

It wasn't just fuzzy-minded progressives who sabotaged our schools with metal shop and driver's ed. For those innovations, we also have the National Association of Manufacturers, car dealers, and insurance companies to thank.

Association of Manufacturers, car dealers, and insurance companies to thank.

If today's corporate reformers don't know much about history, they do display a well-developed sense of irony. In one breath, they argue for more "school choice." In the next, they advocate the development of "best practices" that can be franchised from classroom to classroom and lobby for legislation like the No Child Left Behind Act, which essentially coerces all schools everywhere to teach the same subjects using the same methods and materials. To streamline an education system where "the vast majority of students and teachers are struggling against bureaucratic constraints," IBM introduced its Reinventing Education program, which, in impeccably fluent Educratese, proudly touts its "student assessment practices, continuous teacher improvement models, and teacher instructional planning." If there's anything that can get apathetic students and teachers energized about learning, it's "student assessment practices" and "continuous teacher improvement models."

The idea that the public school system is an Industrial Age artifact, a dreary factory (or prison) of learning, is a staple amongst education critics, including many corporate reformers. It's also what the latter like best about it. "The trend these days is really to intensify standardization, to intensify the curriculum. It's like the children are resources like gold or oil that need to be developed," observes education consultant Patrick Farenga, whose own approach to homeschooling follows that of his mentor, the late John Holt, who coined the term "unschooling" and popularized the idea of unregimented, child-directed learning in influential books such as *How Children Fail* and *Instead of Education*. Corporate philanthropists tend to like regimentation, though, and inevitably they think of education in business terms, emphasizing productivity, enforcing quality control, demanding measurable results.

To participate in IBM's Reinventing Education program, schools must agree to work overtime, "extending the length of the school day and school year." Charter schools, another favorite of education reformers, can be havens of Holtism, but they also often display a penchant for uniforms and discipline codes. In today's enlightened corporations, casual Fridays and flex-time rule, but yesterday's workplace lives on in the schools of tomorrow.

A Homegrown Alternative

In 2002, when the national average SAT score was 1020, homeschoolers averaged 1092. In 2003, 248 homeschoolers achieved semifinalist status in the National Merit Scholar program, with 109 of them winning Merit Scholarship awards. In 2004 homeschoolers scored an average of 22.6 on the ACT college entrance exam. By comparison, public school students scored an average of 20.9.

All of these statistics are mitigated by the fact that relatively few homeschoolers take national achievement tests (or at least identify themselves as homeschoolers when they do). While more than 1.1 million public and private school students took the ACT exam in 2004, only 7,858 self-identified homeschoolers did so. It's possible, skeptics argue, that their strong performances aren't representative of all homeschool students (many of whom, of course, are too young for high school achievement tests).

Still, as the number of homeschooled test takers grows, their overall average stays higher than their traditionally schooled counterparts. In 1997, when 1,927 homeschoolers took the test, they averaged 22.5. During the next eight years, as the number of homeschoolers taking the test in-

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

creased 307 percent, their annual average score topped the national average every time.

Thanks in part to such statistics, the general take on homeschooling is starting to change. Or at least the media's take is. You can still occasionally find articles that stereotype homeschoolers as gubmint-hatin' religious wackos, or fretfully posit the demise of Miss Grundy's English class as the end of democratic pluralism. (Never mind that old Abe Lincoln himself was a homeschooler!) These days, though, homeschooling mostly gets good press, and articles extolling its virtues exhibit all the subtlety of an infomercial host. Meet the Florida 16-year-old who scored a perfect 1600 on her SAT! And the Michigan 10-year-old who took first place in the 2002 National Geography Bee! And the Type A Renaissance kid who gargles in Latin, plays cello in the local orchestra, and thinks taking out the trash is a great way to earn extra credit!

Of course, there are also homeschoolers who do lousy on standardized tests. Some have never even built their own harpsichord from scratch or taught themselves how to read hieroglyphics. But the positive anecdotes and statistics do make it clear that overcrowded classrooms, peer pressure, and apathetic teachers are no longer the only guarantors of academic success. College admissions officers have been quick to pick up on this: A decade ago, homeschool students rarely were accepted by top universities such as Harvard or Stanford, but now such events are commonplace. More than 1,000 colleges in the U.S. will consider applications from homeschooled students.

Part of the reason corporate philanthropists haven't shown a similar interest is that it's not very convenient to give money to homeschoolers. "If you're a foundation or a corporate gifts program and you can't find a 501(c)3 to give your money to, you're not getting the tax deduction," says Justin Torres, research director of the Thomas B. Fordham Foundation, a Washington, D.C., think tank devoted to education reform. "Then you're just giving money to an individual, and there are all kinds of IRS headaches with that."

As homeschooling evolves, though, more homeschooling groups are filing for 501(c)3 status. There are national groups such as Brian Ray's National Home Education Research Institute and regional ones such as the California Homeschool Network. But while headache-free giving opportunities in the world of homeschooling do exist, size matters too. If you really want to turn a philanthropist on, it helps to be big. Hewlett-Packard, for example, doesn't consider requests from individual K-12 schools, and IBM's Reinventing Education program set its sights on the vast for-

The House the Burgeses Built

One family's neighborhood-wide approach to home education

Greg Beato

WHEN LOUISIANA residents Joyce and Eric Burges started educating their oldest son at home 15 years ago, the homeschooling movement was largely composed of white Christians. Within the black community, dropping out of public school was considered downright treasonous. "My husband and I were called 'Benedict Arnolds,'" Joyce Burges recalls. "People would tell us, 'You're pulling your children out of a system that we fought so hard to get into.'" But Burges wasn't very impressed with that system; Louisiana's public schools have long been known as some of the nation's worst. "This summer," Burges says, "my 21-year-old son is tutoring a 15-year-old boy who can't read. He's 15 and he can't read, so what is the system doing? How did they let this child get away?"

Five years ago, the Burgeses decided they wanted to share the expertise they had developed while homeschooling their own five children. In July 2000, they created the National Black Home Educators Resource Association, a nonprofit organization that provides advice on curriculum materials, pairs new families with veteran home educators, and produces an annual symposium. The Burgeses' goal is to encourage other African-American families to become more involved in their children's education.

"We believe in helping parents become advocates for their children's education again," says Joyce Burges. "Even if a child is in a public school, the parent needs to come home and spend two to three hours doing homework with the child. I want to empower parents to do that."

In 2004 the Burgeses' two-day symposium, "Teach Me How to Teach My Child," drew 250 parents from around the country. Joyce Burges is determined to increase these numbers substantially during the next few years, and one helpful ally she has enlisted is Wal-Mart. In past years, local branches of the store have contributed merchandise for raffle prizes. This year, one of those branches

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

est of the public school system, not mere trees. "Rather than creating a model school or enriching a few classrooms with technology, our goal is to use technology to jumpstart comprehensive and lasting school reforms," the company announced at the program's inception.

"Business leaders focus on how to get the most impact with the least effort," says Matt Gandal, executive vice president of Achieve Inc., an education reform group that features such high-profile executives as Prudential CEO Arthur Ryan and Intel CEO Craig Barrett on its board. As with many business-driven reformers, Achieve's mission is to strengthen standards, assessments, and accountability—in effect, to homogenize the school system to ensure uniform levels of achievement. Homeschooling, on the other hand, is essentially an attempt to diversify education. Some homeschoolers are just as focused on standards as groups like Achieve are. Others have little interest in tests or assessments of any kind. "You can have more impact on something that's actually a system," Gandal concludes.

Since homeschoolers value their autonomy so strongly, it's easy to assume they have no interest in outside assistance. In a two-income society, however, homeschooling is something of a financial anachronism, and many homeschoolers are thus less closed-minded on the subject than one might assume.

Daddy Warbucks

Take the financial assistance offered by the Children's Scholarship Fund, an organization co-founded by Wal-Mart heir John Walton that makes private and parochial schools a more viable option for low-income families by granting partial scholarships. As part of its efforts, it offers scholarships to homeschoolers as well, but hasn't emphasized this fact in its outreach efforts. When the organization first publicized its program in 1999, it received applications for more than 1.25 million eligible children. Currently, around 24,000 children receive support from the Fund Scholarships, with an average grant of $1,200 each. Of those 24,000, just 110 are homeschoolers. Since all applicants are chosen by lottery at odds of about 1.9 in 100, however, what this means is that more than 5,700 homeschooling families have sought assistance from the Children's Scholarship Fund, even though the organization has done little to court them.

As homeschoolers organize, sharing communal space and equipment, and sometimes even hiring teachers and other personnel, the impact a philanthropist can have on their efforts becomes substantial. Consider the Family Edu-

provided a matching grant to help underwrite the cost of the event.

Enrollment at the informal learning academy known as the Burges family dining room has also hit an all-time high. Along with her two youngest daughters, Joyce Burges tutors 15 other children from the neighborhood. "Here's how it happens," she says. "I'll be sitting on my front porch while the children are playing out front, and one will come up to me and say, 'Hey, Miss Joyce, you teach your children at home, huh?' And I say, 'Yes, I do.' 'Oh, I wish my mom would teach me at home...I'm having problems reading.'"

"Now who wants to hear a pitiful story like that?" Burges says with good-natured self-deprecation, aware how well her story plays: Determined parents, frustrated by the way the public school system is failing to serve their children, are taking it upon themselves to create a better option.

Burges would like to move her operation out of her dining room and create a professional learning center, but a benefactor who could help her jump-start such a project has yet to sign on. Burges believes it's only a matter of time. "We've just now been around long enough for people to feel that we're credible," she explains. "I'm hanging around. I'm reaching out to the community, staying in their face. I have a bull's mentality where that's concerned. I'm just not going to give up, because what we're doing works." ■

Joyce Burges and her daughter Miranda in 2003.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Imagine if, in the mid-'90s, high tech's flushest angels put money into the proposition that Montgomery Ward would pioneer online commerce. This is the strategy of today's corporate philanthropists when it comes to education reform.

cators Alliance of South Texas (FEAST), which is based in San Antonio. Informally organized in the mid-'80s and incorporated since 1989, the emphatically Christian organization operates out of a former private high school that it purchased several years ago. Around 400 students attend at least one of the dozens of once-a-week courses it offers, and approximately 15,000 homeschooling families purchase homeschooling curricula from its bookstore.

Today, revenue from the bookstore and donations from parents provide FEAST's budget, but its long-term stability is due in large part to the generosity of James Leininger, a multimillionaire entrepreneur who made a fortune selling hospital beds, then branched out into numerous other endeavours, include partial ownership of the San Antonio Spurs. Known to his detractors as "God's sugar daddy" and the "Daddy Warbucks" of Texas conservatism, Leininger purchased a former bowling alley for FEAST in the early '90s, at a time when the group was operating out of a single office. "He told us, 'I'll buy it, but it's up to you guys to fix it up,'" says Ruth Perez, director of FEAST. "His support was pivotal in allowing us to prosper."

Right now, aspiring FEASTs outnumber homeschool-loving Daddy Warbucks types. And unless education reformers start viewing self-reliant, deeply committed mavericks positively rather than negatively, that will remain the case. "Corporate philanthropists want to generate positive headlines and good feelings," says the Fordham Foundation's Torres. "They're always going to err on the side of caution."

But in today's education landscape, where even the most generous donors can't hope to sustain a system that burns through $500 billion a year, philanthropists ultimately function as venture capitalists: They support good ideas with seed money and hope the best ones eventually find a market. Extending this metaphor, imagine if, in the mid-'90s, high tech's flushest angels decided to snub Internet trailblazers like eBay and Amazon and put all their money into the proposition that Montgomery Ward would pioneer online commerce. Essentially, this is the strategy of today's corporate philanthropists when it comes to education reform.

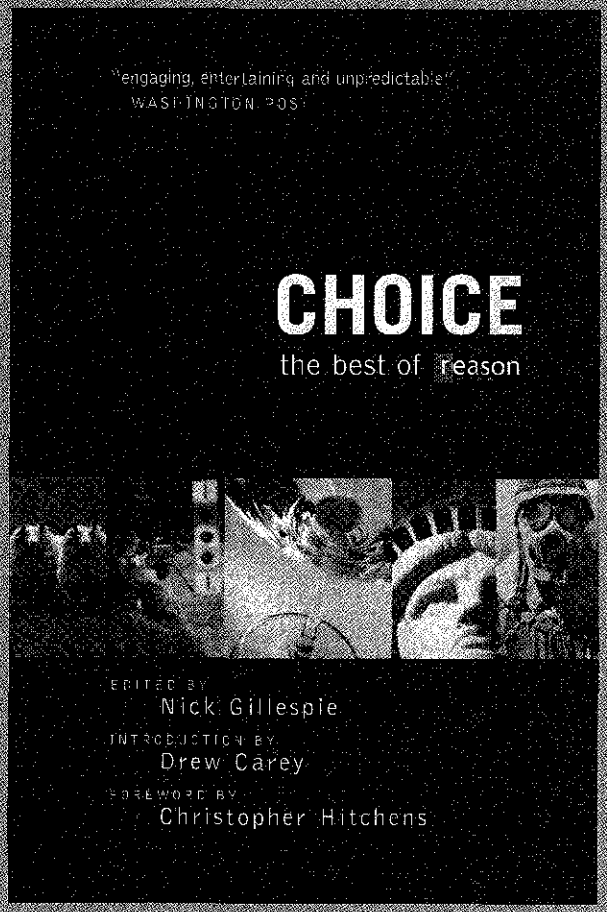
What makes such lack of interest especially baffling is that, theoretically at least, homeschooling seems tailor-made to the values and needs of business. It's a private, union-free institution in which the government plays only a minor role. It's an endlessly customizable approach to education that offers an alternative to the one-size-fits-all limitations of public school. It produces self-directed individuals who have learned how to acquire new skills without constant supervision or coercion.

The downside? It may be a little harder to mass-market Doritos, Nikes, and other articles of trade in a Southern Baptist's living room than it is in a public school. But in an era when the phrase *school choice* has become the mantra of so many education reformers and philanthropists, homeschooling, a choice that millions of parents and children have already enthusiastically embraced, remains the most unleveraged asset in the education universe. ■

Greg Beato (gbeato@soundbitten.com) has written for dozens of publications, including SPIN, Wired, Business 2.0, and the San Francisco Chronicle.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

reason's Best Articles...
...over the last 10 years!



"In an era of smash-mouth, left vs. right political discourse, the libertarian **reason** is a fresh and nuanced antidote, with a frequent a-plague-on-both-their-houses approach."
— *Chicago Tribune*

"**reason** is a brilliant magazine, written and edited by brilliant people. And I am not saying that only because they agree with me."
— Dave Barry

"**reason** is dictating the libertarian spin, emphasizing choice as the key difference between libertarians and control freaks."
— *The Village Voice*

"An antidote to partisan preaching and political correctness, ***Choice: The Best of Reason*** is a must read for all rational thinkers who seek an honest take on the issues of our time."
— Catherine Crier, Court TV host and author of *The Case Against Lawyers*

reason is pleased to announce the publication of ***Choice***, a brand new 417-page softcover anthology featuring **reason**'s greatest articles over the last ten years.

This collector's item can be yours for half-price (plus shipping and handling) with a one-year new or renewal subscription to **reason**.

Call **1-888-reason-8** (1-888-732-7668) and mention our ***Choice*** offer. Or visit **www.reason.com/choice/** today and subscribe or renew online.

Subscribe or renew through this offer and you will receive one year's worth of **reason** (11 issues) for $19.95 and a copy of ***Choice*** for $7.47 plus $2.45 shipping and handling, for the low price of **$29.87. Order today!**

reason
Free Minds and Free Markets

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

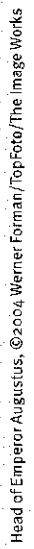
Ancient Treasures for Sale

Do antique dealers preserve the past or steal it?

Steven Vincent

As you read this, criminals somewhere in the world are destroying portions of mankind's past. With backhoe and shovel, chainsaw and crowbar, they are wrenching priceless objects from sites in the mountains of Peru, the coasts of Sicily, and the deserts of Iraq. Brutal and uncaring, these robbers leave behind a wake of decapitated statues, mutilated temples, and pillaged trenches where archaeologists were seeking clues to little-understood civilizations. The results of this looting include disfigured architectural monuments, vanished aesthetic objects, and an incalculable loss of information about the past. And it shows no signs of diminishing.

As you continue to read, other people across the globe are purchasing some of mankind's oldest and most exquisite creations. Contemplating ancient statues, vases, and stelae, many of these purchasers experience antiquities' near-mystical power to connect them to the past or to transcend time through beauty. Proud of their efforts, these private collectors, commercial dealers, and museum curators view themselves as temporary caretakers of timeless treasures. Their love for these artifacts often resembles the passion one associates with religious fervor. It, too, shows no signs of diminishing.



Head of Emperor Augustus, ©2004 Werner Forman/TopFoto/The Image Works

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

At first glance, the connection between those who loot antiquities and those who collect, trade, and preserve them seems the stuff of academic seminars and journals. Yet such is the allure of ancient treasures that, since the 1970s, this relationship has spawned global treaties, inflamed Third World nationalism, created a secretive Washington bureaucracy, and triggered federal prosecutions. To some, this international cooperation reflects the ability of the world's nations to unite to protect an endangered world resource. To others, it demonstrates the hazards resulting when "feel-good" multinationalism collides not only with the sovereignty of the United States but with the basic human desire to surround oneself with objects of beauty.

"We have a situation in this country today where American citizens pursue their legal rights under the shadow of prosecution by foreign laws, and private and public collections of antiquities are at risk to the demands of cultural ministers in other countries," says New York lawyer William Pearlstein. "The antiquities situation is a mess," echoes Kate Fitz Gibbon, a Santa Fe dealer in Central Asian artifacts. "We're heading for a major crisis in the near future."

Artifactual Dispute

It's been a decade since I first wrote about "cultural patrimony," the question of who has the right to own and exhibit mankind's aesthetic and archaeological treasures. At the time, stories were proliferating about looters plundering the temples of Cambodia's Angkor Wat and the tombs of Mali's Niger River delta. Archaeologists were still buzzing about the Metropolitan Museum's 1993 repatriation to Istanbul of the so-called "Lydian Horde" of gold objects, which smugglers had illegally excavated from Turkey and sold to the museum. I found the topic abstruse, filled with mind-numbing legal documents and visually stunning artifacts. All I knew for sure was that collector demand for these objects created incentives for looters to pillage archaeological sites in Third World countries. End the international antiquity trade, I thought, and the looting in those "source" nations would stop.

In the late 1990s, though, my investigations brought me to an urbane but down-to-earth antiquities dealer named Frederick Schultz. In his 57th Street gallery, filled with vitrines displaying relics of Chinese, Etruscan, and other ancient civilizations, the boyish Schultz explained the viewpoint championed by the "trade." Looting is indeed a problem, he conceded, but critics of dealers were wrong. The international antiquities market—together with the private and public collections it supplies—*preserves* ancient treasures and disseminates their beauty and influence across the globe. "A strong market assures a free flow of antiquities and acts in the best interests of everyone—archaeologists, collectors, and the people in source and market nations," Schultz argued.

He was persuasive. But then, as the head of the New York–based National Association of Dealers in Ancient, Oriental, and Primitive Art, he had to be; he was a high-profile defender of the trade and an adviser to the Clinton administration on issues involving antiquities.

Cultural patrimony was the focus of a complex, three-sided debate. On one side, there are the "internationalists": academics, dealers, and collectors who advocate a vigorous but regulated market as the best way to protect antiquities and promote global understanding and universal values. "The moment the Soviet Union fell, the world plunged into ethnocentricity," says George Ortiz, a celebrated collector of classical and Mid-

"A strong market assures a free flow of antiquities and acts in the best interests of everyone—archaeologists, collectors, and the people in source and market nations," argues antiquities dealer Frederick Schultz.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

dle Eastern antiquities. "Instead of each group claiming its own heritage, we need to create a common culture by allowing art and antiquities to circulate around the world."

Opposed to this view is a second group comprised of source nation officials and Western academics who believe cultural patrimony is linked to a people's identity and sense of self-determination. As Claude Daniel Ardouin, then director of Senegal's West African Museum Program, once told me, "Our cultural heritage tells us who we are. I find it unacceptable that big dealers are sitting around in their shops in Paris and New York thinking about the pretty objects they are going to take from my country." These "nationalists" generally call for a trade that is limited, heavily regulated, and open to public scrutiny.

The third party is the most extreme. It consists of archaeologists who castigate the trade for removing cultural artifacts from their indigenous context, rendering them useless for scientific study. Unlike the nationalists, many archaeologists oppose the export of cultural property to insure its preservation and accessibility. "One cares about the people and the area in which we work, but our primary interest is to understand the history of the country," says Colin Renfrew, a member of the British House of Lords and director of the Cambridge University–based McDonald Institute for Archaeological Research. Many in this group would like to see the antiquities trade shut down altogether. According to Boston University archaeologist Ricardo Elia, "Collectors and dealers are dinosaurs. They think it's still the 18th century, when you could rip things out of the ground and put them on your mantle."

The Long Arm of Mexican Law

The nationalists' and archaeologists' illiberal amalgam of Third World nationalism, anti-capitalist sentiment, and distrust of aesthetic connoisseurship dates back to the U.N. Educational, Scientific, and Cultural Organization's (UNESCO) 1970 Convention on the Means of Prohibiting and Preventing the Illicit Import, Export, and Transfer of Ownership of Cultural Property. The first major international agreement to protect cultural property from thieves and smugglers, the convention created a legal framework allowing signatory governments to negotiate for the return of looted items. Over the years, UNESCO followed with further "recommendations" that clarified international rules for protecting and exchanging cultural property. These pronouncements reflected an increasingly anti-market bias. In 2001, for example, UNESCO declared that "underwater cultural heritage shall not be commercially exploited."

The U.S. signed the convention in 1972, and in 1983 Congress passed the Cultural Properties Implementation Act (CPIA), which established a process by which source nations could request U.S. import bans on archaeological material originating within their borders. Legislators hoped restricting entry into the American market would help reduce looting. Mindful of UNESCO's anti-market bias, however, they included in the CPIA measures to protect dealers, collectors, and museums. "We felt we were in the business of encouraging the legitimate circulation of cultural objects," says Meredith Palmer, who as a State Department official in the 1970s helped develop the legal and intellectual framework for the CPIA. "We took pains to ensure that any law based on the convention reflected the interests of the American people."

Be that as it may, the result was a classic example of what happens when the state decides to limit or prevent people from doing what they feel is their natural right, in this case purchasing antiquities. Under the CPIA, a nation seeking U.S. import restrictions on cultural objects must submit a petition giving its reasons for the request, documenting, among other topics, the severity of the looting problem and the country's own efforts to curtail it. Further, it must identify categories of endangered objects and specific sites jeopardized by robbers. An advisory committee reviews the request, then passes its recommendations to an anonymous State Department official empowered to approve the petition, generally for a period of five years.

The law does not require this official to declare reasons for the restrictions. Nor must the State Department provide the public with any documentation to support the decision. Even the advisory committee is not privy to all information. "The process is frustrating and shrouded in secrecy," says Santa Fe dealer Fitz Gibbon, who served on the committee from 2001 to 2003.

Worse, the CPIA proved ineffective in protecting the interests of American citizens. In November 1995, U.S. Customs agents entered the New York home of collector Michael Steinhardt and confiscated a third-to-fourth-century Sicilian gold bowl, or "phiale," that Steinhardt acquired

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

from a New York dealer for $1.2 million. In February 1995, Italian authorities had requested the U.S. government's help in retrieving the phiale, which they claimed was part of Italy's cultural patrimony. (Italian law claims state ownership of all antiquities located in Italy, except for those privately owned before 1902.) Using the guidelines of the National Stolen Property Act (NSPA), U.S. officials agreed the phiale was stolen property. But as Steinhardt's defenders noted, Italy had not requested import restrictions under the CPIA. So what right did customs agents have in accusing Steinhardt of possessing stolen property and invading his home to confiscate it?

Enter *McClain v. the United States*, the most controversial aspect of the cultural patrimony issue in this country and a source of continuing acrimony and contention. When federal agents entered Steinhardt's home to confiscate the "stolen" phiale, they based their action on the 1977 case of an appraiser, Patty McClain, whom American authorities had arrested for carrying pre-Columbian antiquities across the Mexican border into the U.S. In that judgment, the U.S. Court of Appeals for the 5th Circuit in New Orleans, using *Mexican* law to define stolen archaeological property, upheld McClain's conviction. To put it another way, an American citizen was arrested, convicted, and jailed in the U.S. based on the cultural property laws of a foreign nation. "In my opinion," says Stanford University law professor John H. Merryman, a staunch supporter of regulated international antiquities trade, "*McClain* was poorly decided."

In Steinhardt's case, that 25-year-old ruling permitted Italy to assert its state ownership laws in American courts, thus turning the phiale into stolen property under U.S. law. Steinhardt unsuccessfully appealed in 1997, and the phiale was returned to Italy. The shock waves from the case are still being felt. Says Ashton Hawkins, former counsel to the trustees of the Metropolitan Museum: "The government made a lot of people apprehensive by seeming able to seize anything on the basis of a complaint from a foreign government. When the U.S. begins to enforce foreign laws against private citizens without due process, this is trouble."

The Antique Dealer in the Flak Jacket

Emboldened by the Steinhardt case, anti-market forces, particularly archaeologists, intensified their attacks. They began portraying dealers and collectors as greedy plunderers running what one archaeologist called a "vast international network" to loot countries in Central America, Europe, Egypt, and the Middle East. Ricardo Elia once declared to me that he wanted to make collecting as "socially distasteful as smoking cigarettes, wearing fur, or eating an endangered species." Lord Renfrew has accused major American museums of "stimulating much of the looting in the world." One Park Avenue collector told me he felt like donning a "flak jacket in public, like I was an abortion doctor." A new clamor arose concerning the world's most notorious case of "cultural plunder": the Elgin Marbles, sculptures from the Parthenon that Britain's Lord Elgin purchased in the early 19th century and shipped back to England. The British Museum has them on display, ignoring Greece's repeated requests for their return.

Whenever I dropped by Schultz's gallery, I found the director writing letters, articles, and legal briefs defending the trade. "This is ridiculous!" he griped one afternoon. "I read that archaeologists liken our profession to international drug dealers. They're saying we rake in *$5 billion* a year in dirty profits! Do you know what we estimate the *entire* international antiquities trade amounts to? Around $200 million a year! Where do they get the nerve?"

As the archaeologists stepped up their assault, the trade sharpened its arguments and continues to assert them today. "We have to," says New York dealer Jerry Eisenberg. "The charge that we're somehow responsible for the 'rape of the land' makes a greater impact on the public than our arguments about the benefits of trade." Stanford's Merryman frequently criticizes source country laws that define antiquities as state property. Egypt and Turkey, for example, assert ownership of certain privately held objects within their borders, including some owned for generations. Merryman argues that such laws ensure that the supply of material remains short, thereby creating a lucrative black market. Others, such as collector Ortiz, note that source countries maintain warehouses and storerooms filled with thousands of uncatalogued antiquities, many of which are just "rotting away."

Critics also observe that source countries are often unable or unwilling to pay their citizens for the antiquities they discover. Dealers maintain that many items are tomb objects uncovered by accident, for instance by farmers tilling their fields. If the farmers cannot sell what they dis-

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

cover in a legitimate market, and if their government will not buy such artifacts from them, they have two choices (aside from simply letting the state appropriate the finds): destroy the objects or sell them illegally.

There is also a problem of terminology, trade supporters argue. Many source country export laws blur the distinction between "looted," "illegally exported," "stolen," and "unprovenanced" objects, thereby making it appear as if dealers operate some vast criminal enterprise, when there are subtle but significant differences between those terms. For example, critics of the trade, including many journalists, unjustifiably assume that any antiquity without a solid early provenance probably has been looted.

"The burden of proof is on us, and that's unfair," Schultz frequently argued. "For hundreds of years, people have been buying and selling objects without keeping or publishing proper records. Many collections were built decades ago; contrary to what the archaeology Hezbollah maintains, there *are* bona fide old collections."

Teachings of Buddhas

In the winter of 2001, an event occurred that bolstered arguments in favor of an international antiquities market: Afghanistan's Taliban regime destroyed two colossal third-century sandstone sculptures of Buddha at Bamiyan. Although the statues, each standing more than 100 feet tall, were too large for purchase, their fate posed uncomfortable questions for source country nationalists and archaeologists. What happens when a country's government decides to eliminate rather than retain its cultural heritage? In such a case, wouldn't leaving objects in their archaeological sites threaten their existence? International trade, by contrast, would bring artifacts to safe harbor in private collections and museums.

"The market gives objects value," contends noted New York collector Shelby White. "Like we saw at Bamiyan, source countries often destroy temples for political or religious reasons. Other times, they simply use ancient columns and pillars for new construction. Then you have cases where common people who find antiquities often melt them down for the gold, or simply throw them away. They don't care about the craftsmanship or beauty of the object."

These problems are not confined to rogue nations. For example, China's Three Gorges Dam project, when completed, will submerge countless undiscovered antiquities beneath a 400-mile reservoir. "A stronger market system could have created incentives for Chinese officials to excavate and preserve the objects and sell them," notes Jim Fitzpatrick, a Washington, D.C.-based lawyer who lobbies Congress on behalf of the trade. "When they permanently flood untold numbers of irreplaceable artifacts, how much does China really care about their antiquities?"

But if market supporters felt the destruction of the Bamiyan Buddhas and the Three Gorges Dam had finally given the trade the moral high ground, their victory was short-lived. In July 2001 federal prosecutors accused a prominent antiquities dealer of handling objects that a confederate had smuggled from Egypt. For the trade, this was a catastrophe. Because the government based the indictment largely on *McClain*, a conviction in the case risked confirmation of that notorious ruling by the U.S. Court of Appeals for the 2nd Circuit, which has jurisdiction over the New York art market. Not only that, but the indicted dealer was none other than Frederick Schultz.

Schultz's trial, held in February 2002, was a veritable how-to guide for smuggling ancient artifacts. The star wit-

> Boston University archaeologist Ricardo Elia once declared to me that he wanted to make collecting as "socially distasteful as smoking cigarettes, wearing fur, or eating an endangered species."

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

ness against the dealer was the former British cavalry officer and master antiquities restorer Jonathan Tokeley-Parry. According to Tokeley-Parry's testimony, from 1990 to 1994 he purchased numerous items, including statuary, from Egyptian "farmers and builders," used his restoration skills to disguise them as tourist tchotchkes, and spirited them out of the country.

His actions violated Egyptian Law 117, which states that any antiquities found within the country's borders are state-owned and thus cannot be exported or sold. Tokeley-Parry (who evidently turned against Schultz in order to shorten a prison sentence in England involving other smuggled Egyptian antiquities) testified that Schultz sold these and other illegally acquired objects to Western collectors, claiming they originated from the fictitious "Allcock Collection," supposedly begun in the 1920s.

Buy an Antique, Hire a Lawyer

In response, Schultz portrayed himself as an innocent associate of Tokeley-Parry, hounded by overzealous prosecutors. Egypt itself had made no claim for the objects the Englishman had taken out of the country, the dealer argued. Furthermore, Egypt had never requested import restrictions as required by the CPIA. The only justification the U.S. government had in declaring Tokeley-Parry's objects as "stolen property" was Law 117. And the only reason it could use foreign law to accuse Schultz of a crime was the *McClain* ruling. "If the court agrees that Congress intended the CPIA to set our country's policies toward antiquities, then Fred has a good chance of acquittal," a lawyer supporting Schultz told me at the time. "If the court decides to apply *McClain*, he could be in trouble."

U.S. District Judge Jed Rakoff applied *McClain*. Ruling that the CPIA and *McClain* were not mutually exclusive, he upheld the government's contention that under U.S. law Tokeley-Parry stole objects from Egypt; prosecutors then worked to prove that Schultz knowingly handled these pilfered artifacts. After a brief deliberation, the jury found the dealer guilty of a single charge of conspiring to handle stolen property. In June 2002 Rakoff sentenced him to 33 months in prison and a $50,000 fine.

For the anti-trade camp, this was Wellington at Waterloo. A highly respected dealer had been convicted for his involvement in a smuggling operation, proving beyond a doubt the link between the antiquities trade and looting. Moreover, Schultz's conviction affirmed *McClain* in the 2nd Circuit, the heart of the antiquities trade. "*McClain* is now established in the 5th, 2nd, and 9th circuits," notes Patty Gerstenblith, a DePaul University law professor and former president of the Archaeological Institute of America. "I don't think market people recognize what an important legal development this is. They're in denial."

Not all of them. "The fact that the 2nd Circuit upheld *McClain* is huge, no doubt about it," agrees Fitzpatrick, the Washington lawyer. "But how far will prosecutors take it? Does this mean that anyone who purchases an antiquity in the U.S. has to hire a lawyer first, to make sure the purchase doesn't violate a foreign country's patrimony laws? What's the state of these laws around the world? Which ones apply, which ones don't?" Fitz Gibbon, the Santa Fe dealer, says, "I fear the government is gearing up for more prosecutions, using *McClain* and the NSPA. Where will it end? This will only be settled by some huge court case involving a museum collection, I'm afraid."

Schultz's conviction did not bring a truce to the cultural patrimony wars. The bitterness continues, with archaeologists and the trade each

> Lord Renfrew has accused major American museums of stimulating much of the looting in the world. One Park Avenue collector told me he felt like donning a "flak jacket in public, like I was an abortion doctor."

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Frederick Schultz leaves federal court on the first day of his trial. © Frances M. Roberts

rallying around a new cause célèbre. For the archaeologists, it is the purchase last fall by the Cleveland Museum of a bronze statue of Apollo, between 1,700 and 2,400 years old. The object's documentation dates back to an East German lawyer who claims to have discovered it on his family estate in the 1990s. "This is just simply not a convincing provenance," contends Malcolm Bell, a professor of art history at the University of Virginia and a vice president of the Archaeological Institute of America.

Worse, the museum purchased the work from Phoenix Ancient Art, a business headquartered in Geneva, Switzerland, owned by brothers Ali and Hicham Aboutaam. Last year an Egyptian court sentenced Ali *in absentia* to 15 years in prison for smuggling; last June, Hicham pleaded guilty in New York to a federal charge of falsified documents pertaining to an ancient silver vessel that the Phoenix Gallery sold for $950,000. "How, in this day and age, can a respectable museum do this?" demands Lord Renfrew. "Doesn't the American taxpayer realize they are subsidizing the purchase of items like these through government support of museums? I find it curious there is not more outrage."

As for the trade, its members are currently preparing to do battle over a CPIA request submitted last May by the People's Republic of China asking for restrictions on an array of objects, including nonarchaeological works like calligraphy and paintings dating from as recently as 1912. Says the New York–based Asian dealer James Lally, "I fear that these import restrictions are so broad they may inhibit the legitimate trade in Chinese material and chill the honorable practice of collecting."

In the past, dealers note, the Chinese government did not want to shame itself by seeking U.S. help to curb its looting problem, relying instead on Chinese collectors to buy back the nation's cultural patrimony. So why make a request now?

One theory posits that a new and more nationalistic director of the State Bureau of Cultural Relics has pushed for these restrictions. Others believe it's part of a quid pro quo: China cracks down on pirated CDs, and we close off our shores to Chinese material, helping to boost China's domestic market for antiquities. Or perhaps, as the dean of Chinese dealers, Robert Elsworth, suggests, "Instead of letting construction projects like the Three Gorges Dam destroy objects, China may simply let looters take them out of the country, then use U.S. Customs officials to intercept and return them back to China." In keeping with the secrecy surrounding these petitions, a State Department spokesman says officials are reviewing China's request and have yet to schedule private or public meetings on the issue.

Hidden Objects

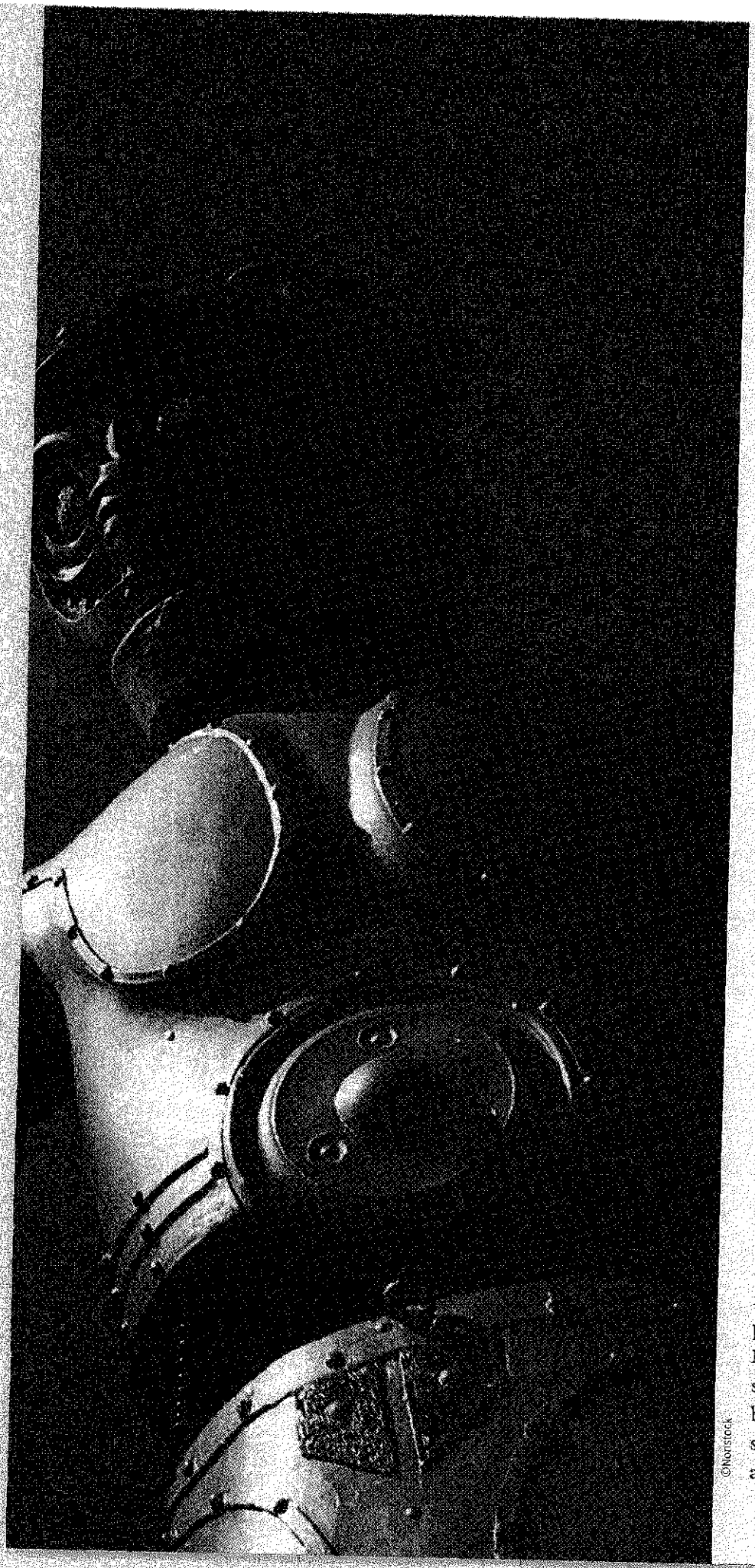
No resolution to this conflict is in sight. Changes have certainly occurred, though. Take Iraq. So far, few objects looted from the war-torn country have appeared on the market. "Five years ago, you would have seen Iraqi objects up and down Madison Avenue," comments DePaul's Gerstenblith. "Our efforts have proven successful in that area." (Others argue that thieves simply have filled up warehouses with pilfered Iraqi antiquities, waiting for the statute of limitations to expire.)

Has the rate of worldwide looting actually diminished? "I don't think so," says collector White. "Objects are going elsewhere—to Japan and Europe and the Middle East. All we've done is make public and private collections more vulnerable to claims from foreign countries. At the same time, we've made it harder for Americans to see the glories of the past." ◻

Steven Vincent (scvincent@att.net) is author of In the Red Zone: A Journey Through the Soul of Iraq (Spence).

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED



Are We Just Really Smart Robots?

Two books on the mind put the human back into human beings.

Kenneth Silber

On Intelligence, by Jeff Hawkins with Sandra Blakeslee, New York: Times Books, 261 pages, $25

Mind: A Brief Introduction, by John R. Searle, New York: Oxford University Press, 326 pages, $26

NEUROBIOLOGY'S advances generate anxiety as well as joy and hope. On the joyful and hopeful side, there are the prospect and reality of improved treatments for brain diseases and debilities. But anxiety arises over what the science tells us, or will tell us, about ourselves. Thoughts and feelings may be reduced to brain structures and processes. Consciousness and free will may be proven unimportant or illusory. Much of what we value about ourselves, in short, may be explained—or, worse, explained away.

The prevailing trends in the philosophy of mind reinforce such concerns. The field is dominated by schools of materialism that describe mental phenomena as types or side products of physical phenomena. Mind-body dualism, which posits a separate existence for the mind, has been effectively eclipsed (although it seems to receive continued implicit acceptance from many nonexperts).

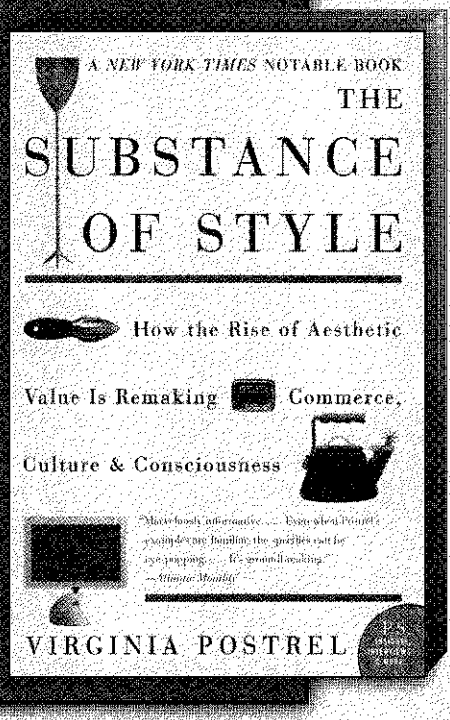
©Norstock

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

"Provocative.... Demolishes the false dichotomy between substance and style."
—Washington Post Book World

The Harper Perennial paperback includes P.S.—an interview with Virginia Postrel, an essay on the responses she got to the book, and internet resources.

NOW IN PAPERBACK



Harper Perennial
An Imprint of HarperCollinsPublishers
www.harperperennial.com

Some forms of materialism argue that the mental phenomena in question do not even exist.

This turn toward the mechanistic could have baleful cultural and political consequences. It threatens to undermine people's sense of responsibility and self-worth. There is the danger of what philosopher Daniel Dennett calls "creeping exculpation," as more and more human behavior is attributed to material causes. Criminal violence, for example, might be excused as a consequence of low levels of serotonin or monoamine oxidase in the brain. Many philosophers, including Dennett, argue that humans should be regarded as responsible agents even if human behavior is fully determined. But the very fact that such arguments need to be made shows how the deterministic premise has altered the terms of debate.

If humans are mechanistic beings, it becomes harder to understand why they should not be used as means to an end or why there should be much concern with what they are thinking or feeling. At a political level, such quandaries pose a threat to liberal democracy, which relies heavily on the assumption that we are autonomous beings with the capacity to make meaningful decisions. Mechanistic theories have enjoyed an authoritarian cachet in the past. Stalin's regime embraced the work of Ivan Pavlov, famous for conditioning dogs to salivate at the ringing of a bell. In *Walden Two* (1948), the American psychologist B.F. Skinner described a society whose managers use operant conditioning to suppress competitiveness and other undesired behaviors.

Alongside the conception of

Social Security reform promises to be the hot issue of 2005

and one of the defining domestic policy legacies of the Bush administration. Cato's Project on Social Security Choice continues to be a leading voice for reform, personal accounts, and individual ownership of retirement funds.

To learn more or to request a copy of our free *Community Leader's Guide to Social Security Reform,* visit **www.socialsecurity.org.**

CATO INSTITUTE

Pioneering Social Security Choice for more than two decades

1000 Massachusetts Avenue, N.W., Washington D.C. 20001 (202) 842-0200 www.cato.org

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

human beings as biological machines looms another specter: that human mental capacities will be equaled or exceeded by machines of our own creation. An influential doctrine in the philosophy of mind, congruent not only with neurobiology but with cognitive psychology and computer science, is computer functionalism. This view holds that the mind is fundamentally a computer program implemented in the brain's hardware—one which could be replicated in a different physical substrate. Notwithstanding the limited progress of artificial intelligence (A.I.), many experts expect it to achieve vast advances in coming decades. More important, the general public expects this too. The prospect arouses considerable anxiety, as reflected in the Terminators and Matrixes that populate science fiction.

The scientific and philosophical quest to understand human beings as part of the natural world thus seems to come with a hefty price. It forces us to regard ourselves as mere machines—indeed, as potentially obsolescent machines, given advances in computing. Or does it? Technologist Jeff Hawkins and philosopher John Searle both approach matters of mind and brain from a naturalistic perspective, but their arguments veer sharply from the grim picture sketched above. Both provide valuable analysis and speculation about mental phenomena while taking issue with much current scientific and philosophical thinking about the subject.

In *On Intelligence*, Hawkins portrays human intelligence as more subtle and flexible than anything computers do. His model suggests that while future artificial systems may possess remarkable intelligence, they will be neither human-like nor the malevolent superhuman entities of science fiction. In *Mind: A Brief Introduction*, Searle provides an iconoclastic overview of the philosophy of mind, arguing for a position that accepts that the mind is materially based without dismissing or downplaying mental phenomena. Searle's discussion ranges across such topics as the limitations of computers, the nature of the unconscious, and free will as a possible feature of the brain.

Hawkins, who wrote *On Intelligence* with science journalist Sandra Blakeslee, is a computer entrepreneur with a longstanding interest in how the brain works. He is the inventor of the original Palm Pilot and the founder of the Redwood Neuroscience Institute. In 1980, as an Intel employee, he proposed a project to develop memory chips that operate on brain-like principles. Intel's chief scientist turned him down, reasoning (correctly, Hawkins now believes) that such an effort was premature. Hawkins then sought to do graduate work at the Massachusetts Institute of Technology, to study brains as a means toward developing intelligent machines. MIT, suffused with the idea that A.I. had little need for brain research, rejected his application. In the late 1980s, Hawkins viewed with interest but growing skepticism the rise of neural networks, programs that bore a resemblance—but only a very loose one—to brain operations. He found no use for neural networks in developing the handwriting recognition system later used in Palm Pilots.

The scientific and philosophical quest to understand human beings seems to come with a hefty price. It forces us to regard ourselves as mere machines.

Such experiences fed Hawkins' convictions that intelligent machines must be more genuinely brain-like, and that making them so requires a new theory of how the brain operates. Neurobiology, he argues, has amassed an impressive array of detail but lacks a compelling framework for understanding intelligence and brain function. *On Intelligence* is an attempt to provide such a framework.

Hawkins focuses mainly on the cortex, the most evolutionarily recent part of the brain. The cortex, in his view, uses memory rather than computation to solve problems. Consider the problem of catching a ball. A robotic arm might be programmed for this task, but achieving it is extremely difficult and involves reams of calculations. The brain, by contrast, draws upon stored memories of how to catch a ball, modifying those memories to suit the particular conditions each time a ball is thrown.

The cortex also uses memories to make predictions. It is engaged in constant, mostly unconscious prediction about everything we observe. When something happens that varies from prediction—if you detect an unusual motion, say, or an odd texture—it is passed up to a higher level in the cortex's hierarchy of neurons. The new memories are then parlayed into further predictions. Prediction, in Hawkins' telling, is the sine qua non of intelligence. To understand something is to be able to make predictions about it.

A key concept in this memory-prediction model is that of "invariant

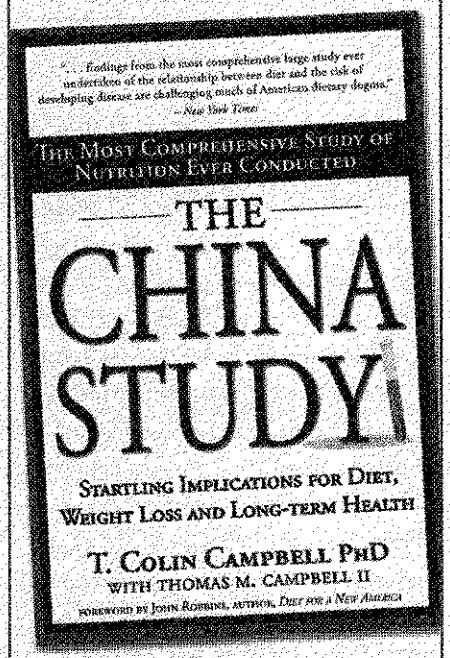
LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Dr. Campbell's work is revolutionary in its implications and spectacular in its clarity. I learned an immense amount from this brave and wise book.

– John Robbins, Author of *Diet for a New America* and *The Food Revolution*

THE SCIENCE IS CLEAR. THE RESULTS ARE UNMISTAKABLE.

Change your diet and dramatically reduce the risk of cancer, diabetes, heart disease and obesity.


"...findings from the most comprehensive large study ever undertaken of the relationship between diet and the risk of developing disease are challenging much of American dietary dogma."
– New York Times
THE MOST COMPREHENSIVE STUDY OF NUTRITION EVER CONDUCTED
THE CHINA STUDY
STARTLING IMPLICATIONS FOR DIET, WEIGHT LOSS AND LONG-TERM HEALTH
T. COLIN CAMPBELL PhD
WITH THOMAS M. CAMPBELL II
FOREWORD BY JOHN ROBBINS, AUTHOR, DIET FOR A NEW AMERICA

Available online and in bookstores everywhere.

thechinastudy.com

BENBELLA

DISTRIBUTED BY INDEPENDENT PUBLISHERS GROUP

representations." The cortex is presented with a flux of sensory data but manages to perceive objects as stable. The magazine you're now holding, or the computer screen you're looking at, sends constantly changing inputs to your eye and optic nerve, but the subsequent pattern of neurons firing in your visual cortex displays an underlying stability. This capacity to pick out unchanging relationships gives humans considerable cognitive flexibility. Imagine looking at a picture of a face formed by dots (like those drawings in *The Wall Street Journal*). Now imagine each dot is moved a few pixels to the left. A human, unlike a conventional A.I. program or neural net, easily will see it as the same face.

Hawkins buttresses his memory-prediction model with a fair amount of neurobiological detail. Much of the model is speculative. There is, for instance, considerable evidence of invariant representations in the workings of the visual cortex, but it is not yet clear whether the concept applies broadly to other sensory areas and to motor regions of the cortex. Hawkins presents a list of neurobiological predictions to test his model's validity. He posits, for example, that certain layers of the cortex contain neurons that become activated in anticipation of a sensory input. Such anticipatory activity is in keeping with the idea that perception involves prediction, as well as receipt, of sensory inputs. When you glance around your living room, your brain fills in some details based on what it has seen before.

As Hawkins notes, invariant representations can be viewed as a bug, as well as a feature, in human cognition; negative stereotyping and bigotry might have roots in such invariance. The strong element of prediction involved in perception also has a downside: It could underlie people's tendency to see what they want to see. Overall, though, Hawkins' model underscores the considerable capabilities of human intelligence. It provides a plausible explanation of how the speed and agility of human thought can exceed the capacities of computers, even though the latter have components that operate far faster than neurons.

The model may also offer insight into creativity, which arguably arises from the brain's propensity to make predictions. In Hawkins' view, there is a continuum between everyday actions and perceptions and the production of great novels or symphonies. The cortex during normal waking moments combines its invariant memories with the details of what is happening now; it is constantly predicting things that are similar to, but at least slightly different from, what it has experienced in the past. Our brains are geared to come up with something new.

Hawkins ventures that memory and prediction will be crucial to an understanding of consciousness, but he acknowledges that his model does not probe deeply into how and why consciousness exists. He draws a link between consciousness and memory through a thought experiment: If your memories of yesterday's activities were erased, so would be your sense that your behavior had been conscious. He speculates as to why vision, hearing, and other senses are (normally) experienced as qualitatively distinct, even though their inputs are all converted into patterns in the cortex. The answer, he suggests,

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

might involve the diverse connections between the cortex and other parts of the brain.

In his final chapter, Hawkins writes enthusiastically about the prospects for intelligent machines. He expects rapid progress in the development of brain-like systems in the next several decades, citing speech recognition, vision, and smart cars as promising near-term applications. He imagines super-intelligent systems that will predict the weather, foresee political unrest, and understand higher-dimensional spaces. Yet he emphasizes that intelligent machines will not be similar to us. They will have something like a cortex and senses, but not human-like bodies, emotions, or experiences—things it would be very difficult, and generally pointless, to give them. They will not strive for power, wealth, status, or pleasure. They will not be angry at being "enslaved."

To illustrate the error of likening machines to human beings (and vice versa), Hawkins draws on a well-known thought experiment: A man who understands no Chinese is placed in a room with a wall slot through which he receives questions written in Chinese. Following a rule book, he replies to the questions with other Chinese symbols. To an outside observer, he seems to understand Chinese. But in fact, he has no idea what the questions or answers are about.

For Hawkins, the story of the Chinese Room points to limitations of conventional A.I. and of the Turing Test, the standard that a computer is intelligent if a human inquirer cannot distinguish its replies from a person's. Hawkins adds, however, that the Chinese Room would display intelligence if it contained a memory system that could make predictions about the content of the Chinese messages passed through the slot. This is an interesting wrinkle but a debatable point. One can imagine the man in the room adeptly foreseeing which symbols will follow which others but still not knowing what they mean.

The man who first asked us to imagine the Chinese Room was John Searle, a Berkeley philosopher who has written influentially about mind, language, and other subjects. His point was that a computer manipulates symbols but attaches no meaning to them; it understands nothing. Searle revisits the Chinese Room in *Mind: A Brief Introduction*. He rebuts the common counterargument that it is the overall system—man, room, rule book—that understands Chinese. The point is the same, he contends, even if the man is in an open field and has memorized the rule book. Indeed, Searle believes his original argument did not go far enough in debunking computer intelligence; something *is* a computer, he elaborates, only if an intelligent observer interprets it as such.

At the core of *Mind: A Brief Introduction* is Searle's effort to situate mental activity in the physical world. Consciousness, he argues, is a biological phenomenon; it is a process of the brain, much as digestion is a process of the stomach. He emphasizes, however, that consciousness cannot be dismissed as an illusion or defined in terms of lower-level neurobiological processes. Conscious states exist insofar as someone experiences them—they have a "first-person ontology"—and in this regard they are distinct from physical phenomena that have a "third-person ontology." The pain of banging into a coffee table (unlike the table itself) is real only because you feel it. Searle terms his position "biological naturalism" and contrasts it with the conventional categories of materialism and dualism.

Searle's picture leaves open the possibility of free will, defined here in contradistinction to determinism. In this view, quantum mechanical indeterminism at the micro-level may produce free will as a higher-level feature of the

Rock and Roll Entrepreneur

Frank Zappa's true legacy

Was Frank Zappa, the memorably mustachioed musician who died in 1993 of prostate cancer, rock and roll's answer to Herman Melville? Maybe so, and not just because the *Moby-Dick* scribe sported some pretty odd facial hair.

Writing about Melville and other American Renaissance writers, Lionel Trilling argued in *The Liberal Imagination* that our culture is "dialectic" and that our most representative figures "contain a large part of the dialectic within themselves, their meaning and power lying in their contradictions."

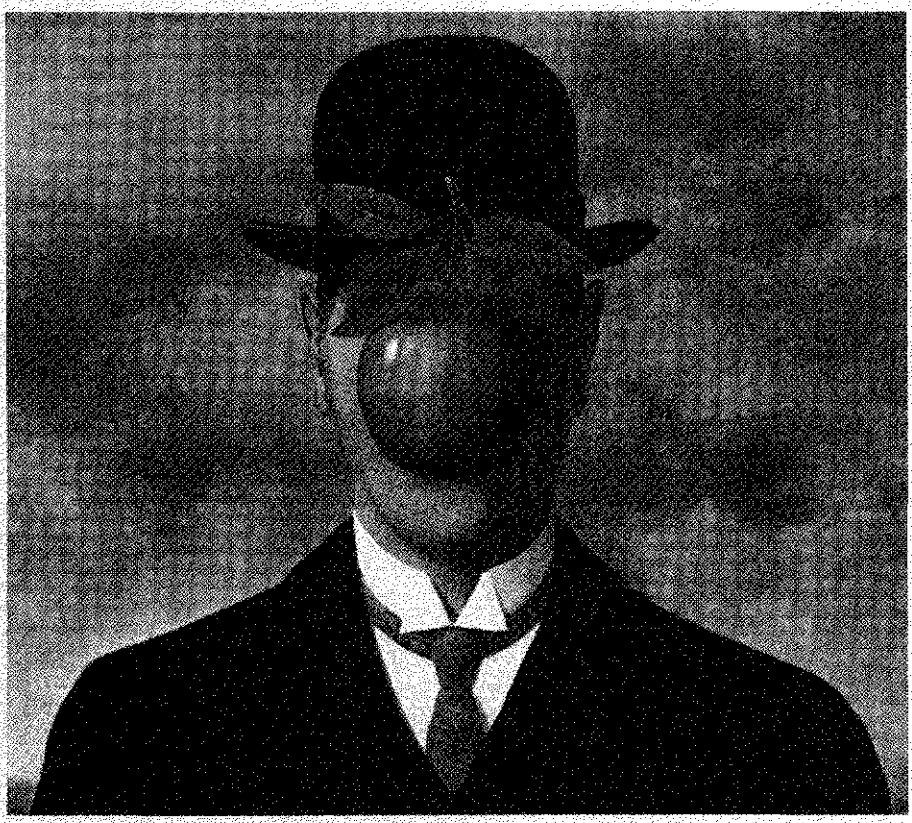
Trilling could have been talking about Zappa, who started his career in the mid-1960s as the leader of the Mothers of Invention, one of the first great hippie—or, in the argot of the psychedelic Los Angeles where they were based, *freak*—bands. Zappa's records never sold especially well, yet he was influential and visible as a cult act and, especially late in his career, as an advocate for free expression. In the mid-'80s, »

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

brain. In making decisions, the brain would draw upon the unpredictable behavior of its constituent particles. But wouldn't such freedom consist of mere randomness? Searle argues that this objection involves a fallacy of composition, confusing the properties of a system with those of its parts. Our pervasive experience of free will, he acknowledges, may be an illusion. But if so, it is a strange illusion, one that requires vast biological resources to maintain yet somehow survived evolution's travails.

Searle ranges broadly across the subject of mental phenomena, poking holes in much received philosophical and scientific wisdom. A key feature of conscious experience, he notes, is its unified structure; one normally encounters sights, sounds, and so on as part of one's overall environment. Neurobiology, he ventures, will ultimately benefit more from a "unified-field" approach to consciousness than from the currently favored "building-block" emphasis. Searle also takes issue with philosophical arguments that humans perceive not the real world but merely "sense data." Such claims, he contends, rely on slippery language and dubious assumptions.

The concept of the unconscious, Searle argues, is indispensable for explaining some forms of human behavior, but it is sometimes pushed beyond its applicability. Unconscious mental states, in his telling, are states that could in principle become conscious. It is possible, for instance, to believe that George W. Bush is president even when you are sound asleep. In Searle's view, however, cognitive scientists are incorrect to say, for example, that people see by performing "unconscious" computations on visual stimuli. The brain processes involved, much like the workings of the liver, are not the sort of thing that could be conscious; hence they are nonconscious rather than unconscious.



Searle closes with a discussion of the elusive concept of the self. A longstanding philosophical tradition, initiated by David Hume, regards the self as "a bundle of perceptions"; we have a series of experiences but not an inner essence. Searle argues, to the contrary, that consciousness, a capacity to initiate action, and an ability to act on the basis of reasons do amount to a self—a "non-Humean self" that is more than just a set of experiences. Having such a self provides continuity between one's past, present, and future; it is what enables a person to take responsibility and make plans.

Mind: A Brief Introduction and *On Intelligence* are thought-provoking and, no less important, anxiety-reducing. By dispelling overstated mechanistic claims arising from recent trends in neurobiology and philosophy, these books serve to combat public fears and forestall a possible backlash against science and technology. Humans can be part of the natural world without being mere machines, and without being outdone by our own machines.

These books cast light on how it is possible to have a rich mental life while living in a physical universe. In so doing, they throw up roadblocks against any push for political authoritarianism or social engineering that might arise from increased knowledge of how brains work. Far from advancing tyranny, neurobiology may be starting to provide a deeper understanding of what human freedom is all about. ▮

Kenneth Silber (kensilber@yahoo.com) writes about science, technology, and economics for Mental Floss and Tech Central Station, among other publications.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Deconstructing Chomsky

America's leading leftist intellectual sees what he wants to see and disregards the rest.

Mark Bauerlein

The Anti-Chomsky Reader, edited by Peter Collier and David Horowitz, San Francisco: Encounter Books, 260 pages, $17.95

"One of the peculiar phenomena of our time is the renegade Liberal," wrote George Orwell in 1945. He meant not the classical liberal who believed in individual freedoms and small government but the leftist liberal who glorified communist experiments and disdained middle-class life. To Orwell, the existence of intellectuals who loved the Soviet Union despite the purges, mocked "bourgeois liberty" despite the pleasing bourgeois circumstances of their own lives, and identified with revolutionary movements that would speedily ship them off to camps—this was a fact in need of explanation.

The same puzzle is presented by today's leading leftist intellectual, Noam Chomsky. For 40 years, in books, lectures, articles, and TV and radio shows, Chomsky has pioneered the leftist critique of Western imperialism, media conglomerates, and U.S.-style capitalism. The charges he raises are familiar—corporations subjugate the Third World, mass media peddle pro-capitalist propaganda, etc.—but he evidently has the ability to make them seem fresh; millions idolize him as the clear-eyed conscience of the times.

Further to his advantage, while Chomsky's discourse is extreme and accusatory, his demeanor is equable and deliberate. He is, after all, a distinguished professor at MIT and the most renowned linguist of the 20th century. For many, the combination of virulent radicalism and reasoned temperament is wholly seductive, and attacks upon Chomsky by conservatives and centrists have only granted him a martyr's aura.

Chomsky's antipathy toward the U.S. government never wavered. Even 9/11 was fitted to the theme of U.S. guilt. The killing of 3,000 Americans, accompanied by the "you had it coming" glee of some leftists abroad, put many American progressives on the defensive. But not Chomsky. In the weeks after the attacks, he systematically interpreted them as a logical outcome of U.S. history and policy.

In *9/11*, a set of interviews published in late 2001, Chomsky spared the nation no culpability: "The U.S. is a leading terrorist state, as are its clients." American history was but one bloody aggression after another, each whitewashed by compliant news media and fed to a gullible public. Chomsky was careful to describe the 9/11 attacks as a "horrendous atrocity," but he also painted violence against the U.S. as an understandable reaction to American foreign policy. In a lecture at MIT, where Chomsky has taught since 1955, he even found a silver lining in a past surprise attack: "The Japanese bombing of Pearl Harbor led to many very good things. If you follow the trail, it led to kicking Europeans out of Asia—that saved tens of millions of lives in India alone."

Curiously, such rhetoric, which seemed to wear thin in the 1990s, gained a newfound visibility after 9/11. The attacks brought renewed scrutiny to America's place in the world, and Chomsky offered an extreme moral vision that in its intensity, if not its content, fit the aftermath climate. The press seemed to fumble for unambiguous interpreters of the event, and Chomsky, previously a minor figure at best in the American media, provided a seamless understanding of U.S. guilt. He appeared on CNN to debate William Bennett. He was the subject of a 2003 *New Yorker* profile. Last year he showed up on Bill Maher's HBO talk show. His post-9/11 book reportedly sold more than 300,000 copies, and activists besiege

» Rock and Roll Entrepreneur

he delivered memorable congressional testimony attacking record labeling schemes proposed by the Parents Music Resource Center, the group founded by Tipper Gore and others interested in policing offensive lyrics in pop music.

In 1990 Vaclav Havel feted him in the newly liberated Czechoslovakia as a hero of freedom; a Zappa tune had given the Czech dissident band the Plastic People of the Universe its name. Not bad for a guy whose best-remembered tunes include "Don't Eat the Yellow Snow" and "Valley Girl."

Zappa was born in Baltimore in 1940 but mostly grew up in Southern California. As he emerges in Barry Miles' new biography, *Zappa* (Grove Press), he was a mess of contradictions that illuminate tensions at the heart not simply of the counterculture but of the larger mainstream society it reflected. It's easy to see in Zappa the push and pull between the traditional and the new, the commercial and the aesthetic, the bourgeois and the bohemian, that suffused postwar America.

A devotee of the sexual revolution, he remained in many ways an unreconstructed, 1950s male chauvinist pig. Located at the center of drug culture in the '60s and '70s, he loathed drugs and had little respect for even casual users. Though a rock star, he found most rock music contemptible and really wanted to be a jazz and symphonic composer. A demanding bandleader who **»**

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

him for help and endorsements.

The Anti-Chomsky Reader is a polemical broadside intended to slam Chomsky into oblivion. Reviewing his career and ideas, the discussion reaches back to the 1960s and his anti-war activism, then moves to the Cold War, the media, Israel, the Holocaust, 9/11, and, finally, Chomsky's linguistics. The editors, Peter Collier and David Horowitz, are active intellectuals in the Republican Party: Collier is the publisher of Encounter Books, a conservative press in San Francisco, and Horowitz, the editor of FrontPageMag.com, is a prolific writer who courts confrontation with the left. Other contributors also are experienced culture warriors. They include Ronald Radosh, a former Communist and SDS member who steered rightward after he researched the Rosenberg case and found evidence of guilt; Eli Lehrer, a former editor at *American Enterprise* magazine; and Stephen Morris, a fellow at the Foreign Policy Institute and long-serving anti-communist scholar.

Their aim is to topple Chomsky's standing—a task easier to conceive than to complete. Chomsky's unyielding anticapitalism tempts many critics into an equally strident anti-Chomskyism. The temptation is particularly strong for Collier and Horowitz, who have complex personal histories dating back to their days editing *Ramparts*, a leading leftist magazine in the 1960s and early '70s. Now staunch conservatives, they have renounced their former comrades, especially icons such as Chomsky.

They and the other contributors do not hesitate to call him a liar and self-promoter, a man of "devious ambiguity" and "fevered imaginings." The frustration they feel at Chomsky's fame and influence suffuses the prose and sometimes blunts the argument. The final entry by amateur linguist John Williamson, for instance, documents a 10-month e-mail exchange between the author and Chomsky on matters of linguistics and war in which Chomsky betrayed his hauteur and mendacity as if on cue. (Needless to say, displaying Chomsky's arrogance in a private communication does little to alter his standing.)

Understanding history is ever subject to revision. And yet not one revelation of the last 20 years has led to a moment's reassessment by Chomsky.

But it would be wrong to judge this volume as merely the opposite of the adulation of Chomsky's fans. Collier and Horowitz understand well the manufactured reality of political fame, and to dismantle it requires not contrary vitriol or clever rejoinders but direct, fact-based assertions that undermine the authenticity of the image. To that end, the contributors follow a simple procedure: Quote actual statements by Chomsky and test them for evidence and logic. The best contributions to the volume add the effective and timely tactic of citing Chomsky's progressive virtues and revealing how smoothly he abandons them.

According to his followers, for example, one of Chomsky's signal talents is his ability to penetrate the veneer of mass politics and uproot hidden facts and motives. In his words, he aims to see through "professed goals" and uncover "background factors" in political events.

Stephen Morris tests that capacity in his discussion of Chomsky's thoughts on America's misadventures in Southeast Asia. Thirty-five years ago, Chomsky approached the war as if it were a propaganda endeavor that discerning critics like himself were able to puncture. But what happened to that discernment, Morris wonders, when Chomsky toured North Vietnam in April 1970?

Chomsky's analysis of U.S. actions plunged deep into dark U.S. machinations, but when traveling among the Communists he rested content with appearances. The countryside outside Hanoi, he reported in *The New York Review of Books*, displayed "a high degree of democratic participation at the village and regional levels." But how could he tell? Chomsky did not speak Vietnamese, and so he depended on government translators, tour guides, and handlers for information. In Vietnamese hands, the clear-eyed skepticism turned into willing credulousness.

Another virtue Chomsky prizes is a solid grasp of historical facts. In his thinking, popular U.S. history is an insidious rationalization of racism and greed. To understand the past rightly, he insists, one must contrast a real truth (the U.S. is a violent empire)

A Notice To Our Subscribers

From time to time, our subscriber list is rented to others. We carefully screen those to whom we rent our list and try only to rent to those whose offers we believe may interest our subscribers. If you do not wish to have your name included on our rental list, simply let us know by writing us at:

Reason
3415 S. Sepulveda Blvd., Suite 400
Los Angeles, CA 90034
Attn: List rentals

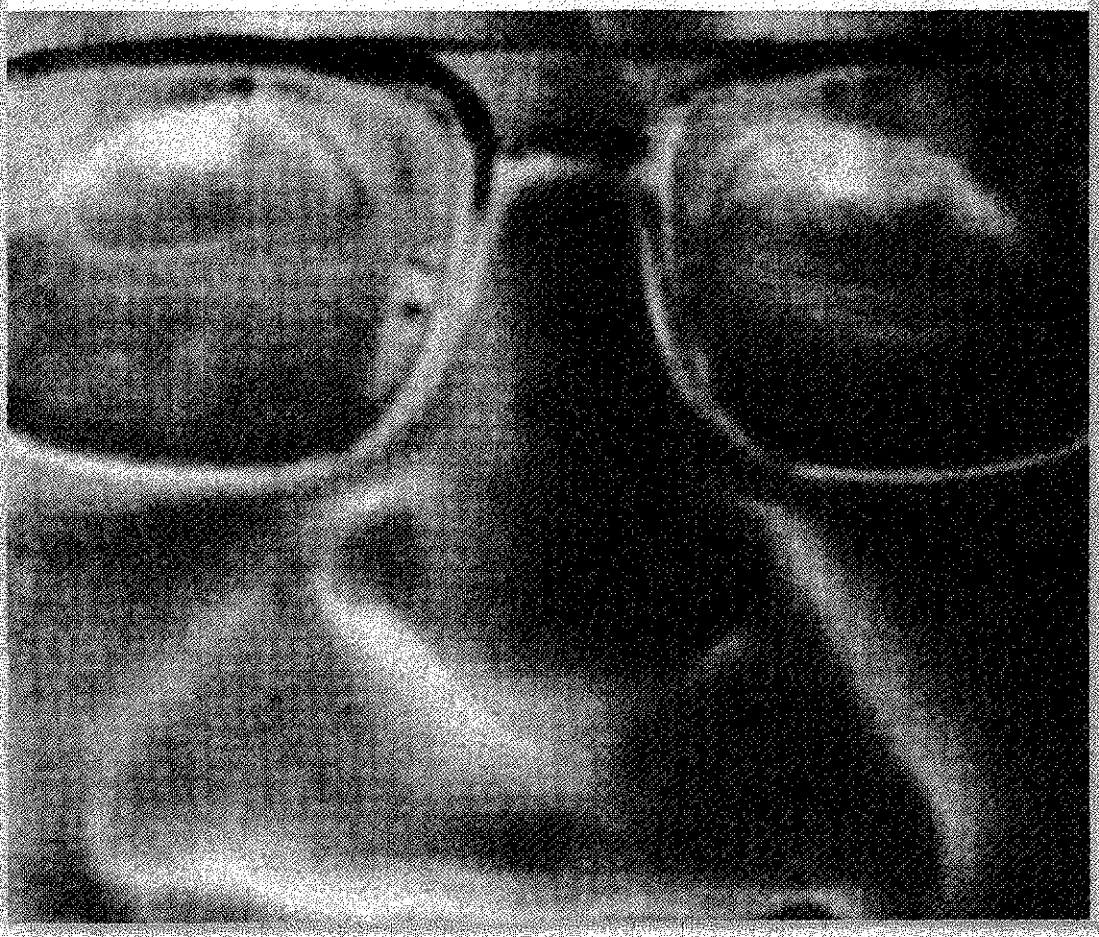
LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

with a widespread myth (the U.S. promulgates freedom and prosperity). As the editors of Chomsky's book *What Uncle Sam Really Wants* put it, "Chomsky is a scholar; the facts in this book are just that, and every conclusion is backed by massive evidence."

Thomas Nichols takes on this historiographic talent in his entry on Chomsky's use of facts and footnotes. Nichols points out that Chomsky's footnotes are red herrings, his numbers exaggerated, and his facts tendentious. For instance, a footnote in Chomsky's *World Orders Old and New* that purports to demonstrate a point in fact leads only to an earlier Chomsky title, and in that text the relevant passage footnotes still an earlier Chomsky title.

But his most damning discovery is broader: that Chomsky lacks a historian's openness to fresh evidence. All historians know that understanding history is an unfolding enterprise, ever subject to revision. And yet not one revelation of the last 20 years has led to a moment's reassessment by Chomsky. The fall of the Berlin Wall, the opening of KGB archives, testimony by dissidents and ex-Communists—nothing alters his outlook. When Vaclav Havel addressed Congress in 1990 and praised the U.S. for inspiring those under the totalitarian boot, Chomsky scorned this freedom fighter for uttering an "embarrassingly silly and morally repugnant Sunday School sermon in Congress." The truth remained: "In comparison to the conditions imposed by U.S. tyranny and violence, East Europe under Russian rule was practically a paradise."

With its record of crimes and hypocrisies, Chomsky argues, the U.S. could sustain its moral identity only if it had a press primed to play lieutenant to the capitalists and generals. This raises another commended Chomskyan asset: media savvy. In 1988's *Manufacturing Consent* (co-authored with Edward Herman), Chomsky launched a widely repeated argument against the consolidation of media and their goal of propagandizing for a power elite. The book (along with a documentary based on it) remains



insisted on a high level of professionalism, he rarely missed an opportunity to screw mates out of touring money or royalties.

Free expression remained the one unambiguous issue in Zappa's life. In 1965, while running a failing recording studio in Cucamonga, California, Zappa agreed to produce a pornographic audio tape for an undercover cop. At the trial, the tape's stagey antics reduced the judge to laughter, but Zappa was found guilty and ended up spending 10 days in jail, an experience, Miles writes, that changed Zappa forever: "By the time he got out, he no longer believed anything the authorities had ever told him. Everything he had been taught at school about the American Way of Life was a lie.... [He would make] America see itself as it really was: phoney, mendacious, shallow, and ugly."

Miles reads Zappa's life as an attempt to follow through on that thought. The first Mothers of Invention record, considered by many the first double LP and concept album, *Freak Out!*, challenged listeners with its length, exotic rhythms and lyrics, and album sleeve exhortations to cast "off outmoded and restricting standards of thinking, dress and social etiquette."

Zappa would do something similar with his entire discography, releasing highly personal records that harked back to the doo-wop he loved in the '50s, say, and then offering up »

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

a favorite on college campuses; even among Chomsky's critics, few are willing to defend centralized media. Indeed, media savvy is a valuable trait, and one would think that an anti-conglomeration media theorist would keep abreast of changes in media structures and deliveries.

And yet Eli Lehrer finds that, in the last 10 years, Chomsky has all but ignored the most striking new medium of our time: the Internet. He says little about the weblogs and other virtual newsroom start-ups that have done the very work he advocates, forcing into the public eye stories that traditional media outlets ignored. When he does heed the Internet, he makes the same charges he leveled against the networks, in the process misrepresenting basic aspects of online communication. The Internet is just the kind of populist medium that Chomsky supposedly reveres, but all he can do is squeeze it into a conspiracy theory.

Other essays in the volume recount similar failings of Chomsky on Chomskyan grounds. He downplays the Holocaust and anti-Israeli terrorism. A philosopher of language, he tosses around the words *genocide* and *terror* indiscriminately. (As the U.S. prepared to invade Afghanistan, he predicted, "Looks like what's happening is some sort of silent genocide.") An uncritical defender of the Third World revolutionaries, Chomsky limits the motives of terrorists to reflexive moves against U.S. aggression, a refusal of responsibility that mirrors the paternalism of the colonialist. The only independent thought and action he allows them is the formation of socialist movements.

In turning Chomsky's virtues against him, *The Anti-Chomsky Reader* offers a challenge to those who fixate on only the crimes in U.S. history. At its best, the volume transcends the pro-Chomsky/anti-Chomsky debate to focus on larger outcomes in a post-9/11 world. Let us have pointed dissent, it suggests, but without an obsession with U.S. guilt. Keep the virtues—mistrusting government, exploding myths, analyzing media—but apply them impartially. Chomsky is caught in a Vietnam-Watergate time zone, when the Pentagon and White House assumed the most fiendish place in democratic protest. It's time to recognize that fiends may collect wherever power is concentrated. ■

Mark Bauerlein (engmb@emory.edu) is a professor of English at Emory University.

CASCADING UNIVERSE

The Integration of Science and Religion

By Charles C. Worthington

A Reductionist Account of God and Humanity
And why we need a Libertarian Society

ISBN 0-8059-6557-2
Hardcover $16.00 87 pages

Dorrance Publishing Co., Inc.
701 Smithfield St.
Pittsburgh PA 15222
800 788 7654

For Introductory Comments including an article on God and the Tsumani

Visit www.worthingtonsworld.com

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Wide World of Sports

Soccer mirrors globalization and its discontents.

Michael Young

How Soccer Explains the World: An Unlikely Theory of Globalization, by Franklin Foer, New York: HarperCollins, 261 pages, $24.95

THESE DAYS ONE rarely remembers that soccer legends once traveled to America to die in that elephant's cemetery known as the North American Soccer League. Pele, Franz Beckenbauer, George Best, Johann Cruyff (who returned to Europe for a few good years), and countless others alighted Stateside to kick a ball around in a country where, even today, professional soccer has not gotten over its image as a distraction for Eurotrash sissies.

In one chapter of *How Soccer Explains the World: An Unlikely Theory of Globalization*, Franklin Foer evokes this alleged effetism by using soccer to help explain America's culture wars. Foer distinguishes two camps that emerged in the U.S. after 9/11. One is cosmopolitan, shares values with Europe, opposes war in Iraq, and, presumably, is amenable to soccer; the other believes in American exceptionalism, views Europeans as lax and degraded, and regards soccer as "a symbol of the U.S. junking its tradition to 'get with the rest of the world's program.'"

Foer adds that there are exceptions to his dichotomy, and that soccer is a "small touchstone" in the culture wars. But despite the overreach, his book largely succeeds in fulfilling its ambitions: to explain just how soccer and culture interact and, more specifically, to see how soccer works against a backdrop of globalization. It is an often brave effort to make sense of a baffling counterpoint. The first third of the book explores globalization's failure to erode the game's great rivalries and the hatreds they can produce. The second uses soccer to address economics: migration, corruption, the rise of soccer oligarchies. The third uses the game to defend the persistence of nationalism as "a way to blunt the return of tribalism." A running theme is the distance between soccer reality and soccer image.

This discrepancy afflicts the author as well as his subjects. Take his favorite team, F.C. Barcelona. It says a lot about Foer that he supports Barca—or so he tells us. "If you have liberal politics and yuppie tastes," he writes, "it isn't easy to find a corner of the soccer firmament that feels like home....Barca elegantly fills this vacuum. Over the course of its history, it has self consciously announced its sophistication." The team is not surrounded by a "cloud of virulent racism," and it isn't an impersonal "multinational conglomerate" like Manchester United or Juventus of Turin. Indeed, Barcelona is alone in not advertising on its jersey, "to show that it resides on a higher plane than the base world of commerce."

So here you have one of the wealthiest teams in Spain, whose products can be bought in virtually any major city in the world, which has plundered many a lesser squad to replenish its endless carnival of talent—and somehow it *disdains* commerce? Foer's attitude reveals an ambiguity in the author himself: He clearly likes it that the club can behave so *uncommercially*, yet in an earlier chapter he mocks some fans of Inter Milan for seeking to impose a left-wing, anti-globalization identity on a team no less wealthy than Barca, one that has dribbled through globalized soccer as adroitly.

Evidently, the world's most popular sport is also a monument to role playing, with fans adopting multiple identities through their clubs. Some of these can be very disturbing: Many hard-core European fan clubs are nationalist, even racist; Belgrade's infamous Red Star fans, for example, formed the core of Arkan's Tigers, a militia devoted to ethnic cleansing.

elaborate symphonic efforts, or jazz-infused sets that mostly had the effect of alienating whatever remained of his audience.

That career arc certainly calls to mind Herman Melville, who lost his public once he stopped writing traditional seafaring yarns and started cranking out strange novels such as *Moby-Dick*. By the end of his life, Melville was so alienated from American culture that his death was barely noticed.

Zappa fared much better, in part because of one final kink in his life. Though he railed against consumer culture in a glib, rock-star way, he was from the beginning a sharp businessman who knew that controlling the means of reproduction—including running his own record labels and retaining control of his copyrights—was central to his aesthetic and economic independence. In the '80s, he was able to sell his back catalog for $22 million, a tidy sum that made him rich even as it helped to bankrupt the purchaser, Rykodisc.

The rock star as entrepreneur: That may be Frank Zappa's most interesting legacy. ◻

Nick Gillespie (gillespie@reason.com) is editor of **reason** *and Choice: The Best of Reason (BenBella Books).*

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Dear Subscribers,

We hope your issue of **reason** arrives safe and sound each month. But if it doesn't—or if you have any other subscription problems—please accept our apologies and keep in mind these helpful hints:

■ **Expiration Date.** You will find your subscription expiration date printed above your name on the mailing label.

■ **Change of Address.** Please contact us with both your old address (exactly as it appears on your mailing label) and your new address.

■ **Missing Issue.** If you do not receive an issue or receive a damaged issue, please let us know and we will send out a replacement immediately.

■ **Duplicate Copies.** If you receive two copies of the same issue, check both mailing labels carefully—the slightest difference can cause problems. Then send us both labels, indicating which is correct, and we'll rectify the matter.

■ **Billing Problems.** The fastest way to solve a billing problem of any kind (billing error, duplicate invoice, etc.) is to contact us explaining the error. We will take corrective steps immediately.

Your have four options for contacting us with your subscription inquiry or problem:

- **On the Web, visit:** www.reason.com/customers.shtml
- **Mail subscriber services at:** P.O. Box 526, Mt. Morris, IL 61065
- **Call:** 1-888-reason-8 (1-888-732 7668)
- **Send e-mail to:** subscribe@reason.com

reason
Free Minds and Free Markets

That said, most fans are not budding Arkans, and even soccer bigotry is often more part of the ritual of collective fan identity than a true call to violent action. That doesn't make it less loathsome, of course, but for a phenomenon to be understood, some lucidity is demanded. As author Tim Parks wrote in his ode to Italian soccer, *A Season With Verona* (strangely absent from Foer's bibliography, though he did interview Parks), for the soccer fan, "Identity is more important than morality. Extremism offers an excitement that moderation cannot afford."

Some will find this an unsatisfactory explanation, but it goes to the heart of modern fandom: The stadium, like many a subculture, is frequently an outlet for the forbidden, for what group members can share collectively without outside intrusion. This phenomenon can be noble—Barca was a stronghold of anti-Franco Catalan nationalism—or it can be repellent.

Foer writes of the rivalry between Glasgow's predominantly Catholic-supported Celtic and mostly Protestant-supported Rangers (a Scotsman once refused to tell me which team he supported, claiming I was trying to ascertain his religion): "The city has kept alive its soccer tribalism, despite the logic of history, because it provides the city with a kind of pornographic pleasure."

When Foer refers to "the logic of history," he means the idea that "once a society becomes economically advanced, it [becomes] politically advanced—liberal, tolerant." Foer's tour of the soccer world shows the inconsistent sway of that rule. Rome has a team, Lazio, which is known for its racist fan clubs, but Rome is no bastion of racist strife. It's best to avoid too wantonly blurring society and soccer team, as Foer does. Soccer is plainly a motor of globalization, with its international appeal and its bouncing of players from one continent to the next. (Sierra Leone's Mohammed Kallon now plays in Monaco, starred in Milan, and began his career in modest Lebanon, at the subterranean Tyre team.) But the sport also cannot be shoehorned into an ideal mold of globalization, even as globalization cannot quite set its foot straight in world soccer.

Soccer allows a choice of identity, and though that choice can be distressing, it often isn't—and it can advance global affability as well.

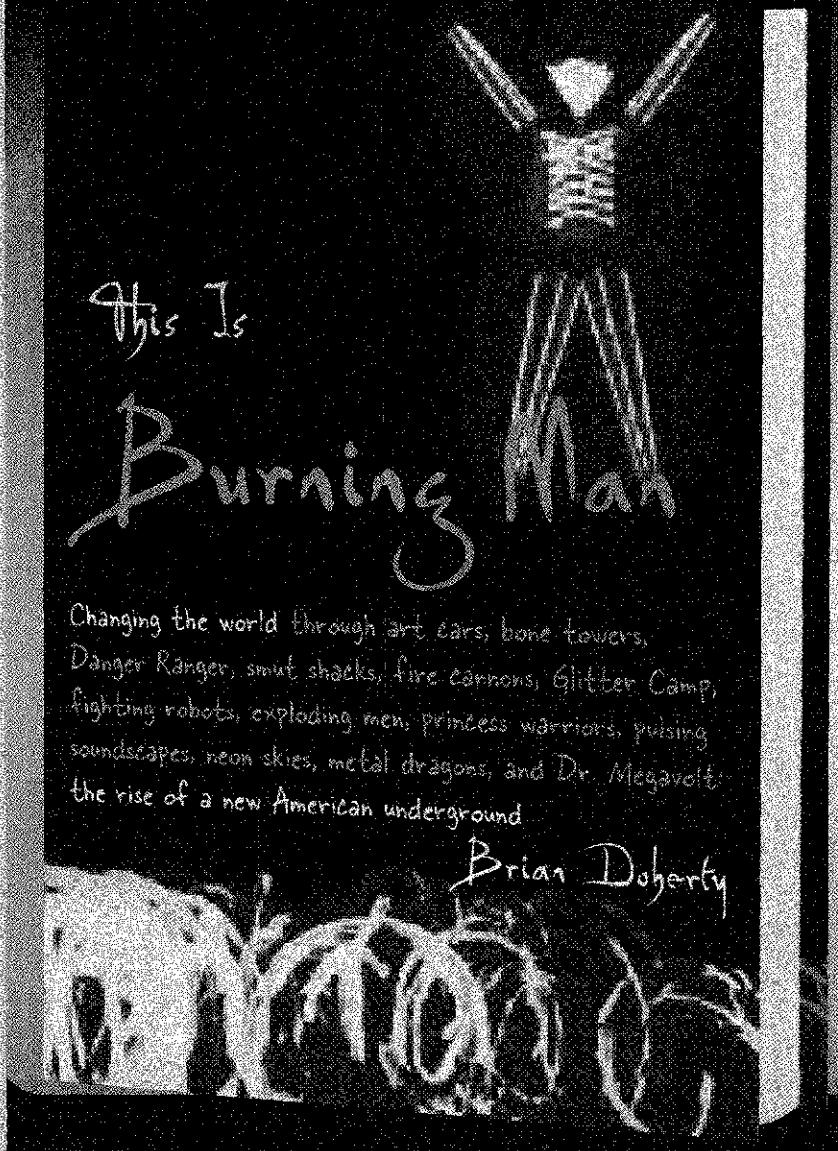
George Orwell, rarely wrong on matters of greater import, missed the point when describing how much he loathed soccer, which was "not really played for the pleasure of kicking a ball about, but is a species of fighting." Yes, it is a species of fighting, but mostly a nonviolent version, where spectators can yet escape the language of enforced harmony. It allows a choice of identity, and though that choice can be distressing, it often isn't—and it can advance global affability as well. ■

Contributing Editor Michael Young (myoung@inco.com.lb) is opinion editor at Lebanon's Daily Star newspaper.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

"An insider's look at a cornerstone of American subculture."

—*Publishers Weekly*


This Is
Burning Man
Changing the world through art cars, bone towers, Danger Ranger, smut shacks, fire cannons, Glitter Camp, fighting robots, exploding men, princess warriors, pulsing soundscapes, neon skies, metal dragons, and Dr. Megavolt: the rise of a new American underground
Brian Doherty

"I loved this book!"
—Margaret Cho

"Captures the people and the wonder of Burning Man."
—Walter Isaacson, author of *Benjamin Franklin*

"A delightfully engrossing read.... If you can't make Black Rock, buy the book."
—*National Geographic Adventure*

"A rapturous story of the world's great messengers: its artists." —Perry Farrell

Welcome to the most mind-blowing show on Earth.

THIS IS BURNING MAN By Brian Doherty

Read an Excerpt Online at www.twbookmark.com

Little, Brown and Company
Time Warner Book Group

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

The Hippie and the Redneck Can Be Friends

Two worlds collide in film and music.

Jesse Walker

If you're a cultural historian, a movie geek, or just looking for an excuse to spend three hours watching TV, here's a video double feature you should try. First watch the premier pot-smuggling flick of the 1970s, Cheech and Chong's *Up in Smoke*. Then pop in the decade's most famous film about Coors smuggling, *Smokey and the Bandit*. When you're done, try to figure out just how the good ol' boys and the hippies, two American tribes who were supposed to be sworn enemies, wound up flocking to such similar movies. The stories aren't *twins*—the heroes of *Up in Smoke* are too stoned to realize they're ferrying illegal cargo or that a smokey is on their trail—but if you catch them in the right light, they look like brothers.

These days it's widely recognized that it was the 1970s, not the '60s, that marked the real cultural revolution in the United States. The earlier decade might have seen America's traditionally tiny bohemia become a mass phenomenon, but it was in the '70s that the wave crashed, breaking down the boundaries between the rebels and the mainstream. One sign of this was a burst of creativity in Hollywood, where figures who spent the '60s soaking up the counterculture and making low-budget exploitation features—Francis Ford Coppola, Martin Scorsese, Jack Nicholson—used their new freedoms and their unorthodox training to transform the face of American film.

Meanwhile, other hands kept turning out those exploitation movies. In the new book *Hick Flicks: The Rise and Fall of Redneck Cinema* (McFarland), Scott Von Doviak gives us an entertaining and illuminating look at their world. "While blaxploitation pictures ruled the urban grindhouses, providing heroes and myths for those trapped in the inner cities," he writes, "hick flicks dominated the drive-in circuit, bringing their own set of archetypal figures to flyover country." Von Doviak, who covers film for the Fort Worth *Star-Telegram*, has cast a wide net; he ends up discussing everything from early B movies to 21st-century fare, from backwoods creature features to art-house documentaries. But the heart of his book is the 1970s, and the soul is movies about outlaws driving cars or trucks, ideally with a load of illicit spirits.

Rednecks weren't just jeering the same sheriff as the hippies. Some of them were growing their hair, smoking weed, and listening to trippy music.

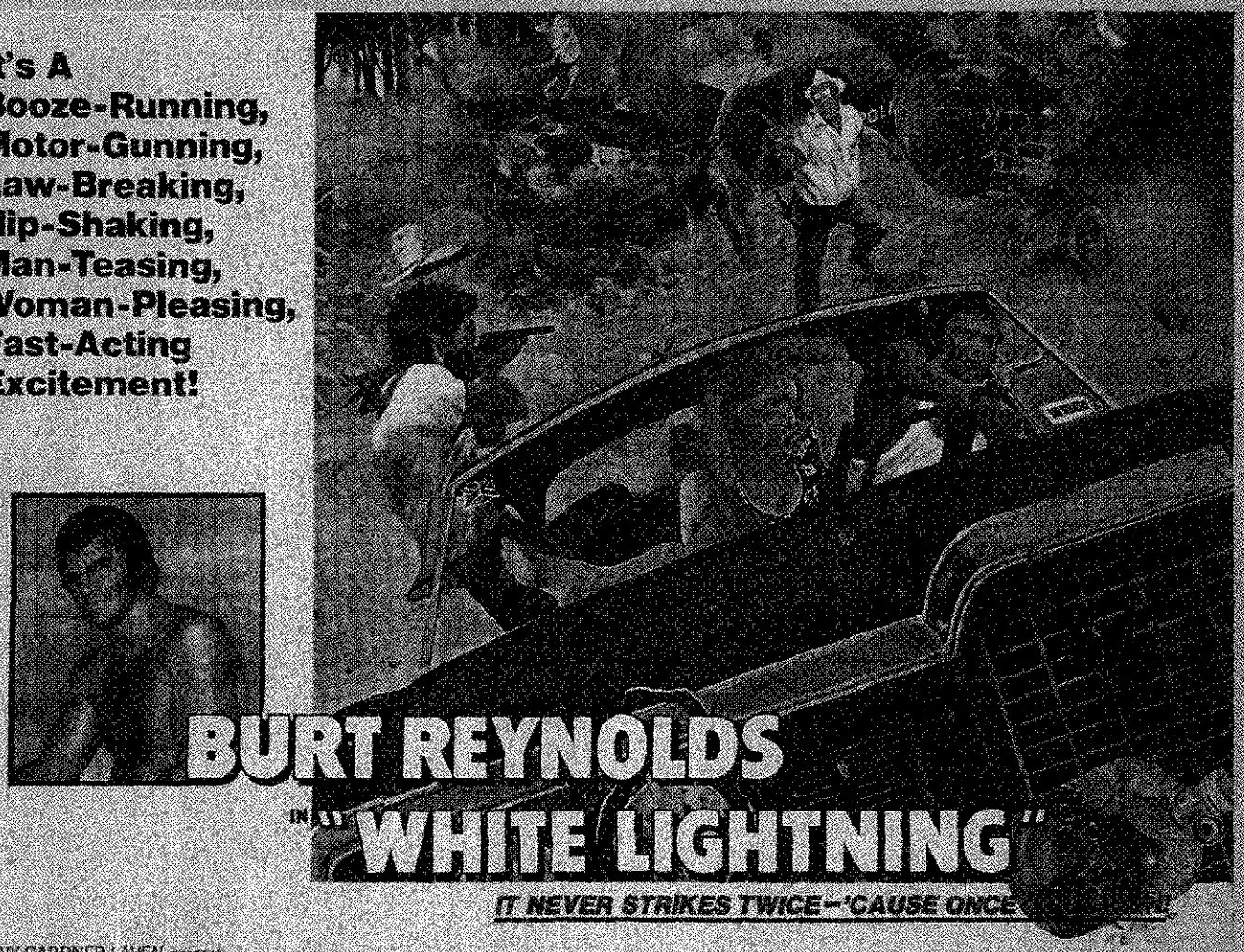
I can't endorse every opinion Von Doviak espouses. Notably, he fails to appreciate the peculiar charms of Sam Peckinpah's *Convoy*, surely the only film that is simultaneously a Christian allegory, a vaguely anarchist political fable, and a feature-length adaptation of a novelty song about CB radios. (It isn't a *good* movie, but it's much better than any picture starring Kris Kristofferson and Ali MacGraw has a right to be.) But Von Doviak is a witty and astute student of these films, entertainments that could simultaneously reflect the values of both the American counterculture and its alleged opposite.

I don't want to overstate this point. Hollywood has always celebrated individualist rebels, and the Southern backcountry has a long-standing anti-authoritarian tradition that, as the historian David Hackett Fisher put it in *Albion's Seed*, was "more radically libertarian, more strenuously hostile to ordering institutions than were the other cultures of British America." *Smokey and the Bandit* was not a story that could be imagined only after 1969. It was a classic bandit narrative in the tradition of Robin Hood and Jesse James, with an invulnerable hero who defies unjust laws (in this case, speed limits and alcohol regulations), battles an oppressive sheriff (in this case, Jackie Gleason), and can move almost invisibly among the common folk who admire his heroic deeds (in this case, other drivers).

But this Robin Hood was rebelling at a time when the word *rebellion* invariably suggested the word *freak*. This Little John was played by Jerry Reed, a guy who used to jam with Elvis. This Sheriff of Nottingham was a fat racist cop, a cultural archetype that took hold during the civil rights movement—and was most evocative among those who sided with the protesters. The genre that begat them reached its peak after the country relaxed its attitudes toward on-screen sex, violence, and sympathy for lawbreakers, a change largely driven by the cultural revolution.

And there was something else. Once the ideals and fashions of Haight-Ashbury had leaked into the rest of the country, there was no predicting the ways they'd be adapted to local circumstances. By this point, those rednecks weren't just jeering the

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED


It's A Booze-Running, Motor-Gunning, Law-Breaking, Hip-Shaking, Man-Teasing, Woman-Pleasing, Fast-Acting Excitement!
BURT REYNOLDS
IN "WHITE LIGHTNING"
IT NEVER STRIKES TWICE—'CAUSE ONCE
LEVY-GARDNER-LAVEN present
BURT REYNOLDS in "WHITE LIGHTNING" co-starring JENNIFER BILLINGSLEY • NED BEATTY • BO HOPKINS • MATT CLARK
Produced by ARTHUR GARDNER and JULES V. LEVY • Screenplay by WILLIAM NORTON • Directed by JOSEPH SARGENT
PG
United Artists

same sheriff as the hippies. Some of them were growing their hair, smoking weed, and listening to trippy music.

Such behavior swept the South and West in the '70s, but its headquarters was Austin, the city at the heart of Jan Reid's *The Improbable Rise of Redneck Rock* (University of Texas Press). Originally published in 1974, Reid's compulsively readable book was revised and reissued last year in substantially expanded form. It tells how a group of Texas-based musicians, most famously Willie Nelson, created a new style of music, usually called outlaw country, and a new cultural archetype, dubbed the cosmic cowboy. Larry Yurdin, who spent a chunk of the '70s running radio stations in Austin and Houston, once described the cosmic-cowboy scene to me as "the Texas version, in 1972, of what happened in San Francisco in '67. In a good ol' boy, Wild West context, it was the Summer of Love. With guns."

Once such a tremendous cultural collision has happened, it starts to look natural, even inevitable, in retrospect. By 1979 Hank Williams Jr. could sing, "If I get stoned and sing all night long/It's a family tradition"—and sure enough, the tradition was there, and not just in the Williams family. It just had to be discovered first.

It's during that period of discovery, when cultural identities are being reinvented and reshuffled, that things look more ambiguous. There's a scene in *White Lightning*, one of the better hixploitation flicks, where two moonshine runners walk past a hippie van that has the slogan "Legalize marijuana!" scrawled on its side. "Legalize that shit, it's gonna ruin moonshine liquor forever," spits one of the rednecks. I like to imagine the van was carrying Cheech and Chong. ■

Managing Editor Jesse Walker (jwalker@reason.com) is the author of Rebels on the Air: An Alternative History of Radio in America (NYU Press).

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

The Spirit of Popular Art

Brian Doherty

Top: *The Spirit* (page detail), ©Will Eisner; bottom: *A Contract With God* (page detail), ©Will Eisner

Will Eisner, who died in January, was a founder of the graphic novel—a medium in which serious, extended narratives appear in comic-book form. With his 1978 work *A Contract With God*, he began a series of semi-autobiographical tales about big-city ethnics, earning acclaim both inside and outside the comics community.

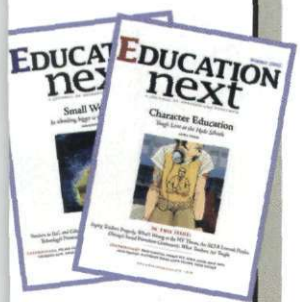
But that was phase two of Eisner's career. His first claim to fame lay in his weekly newspaper supplement, *The Spirit* (1940–1952). Those comics told tales of a masked crime fighter who battled grotesques and gangsters in a comic-noir New York called Central City. They dealt more with archetypes than with characters, and they often offered more violence than insight. But they were tense, funny, deeply urban, and deeply human; they have been reprinted repeatedly, continuing to capture readers even as the original pulp they were printed on flakes away to nothing.

As with the film noir of the '40s that *The Spirit* resembles, unique craftsmanship—even in so "low" a field as comics or B movies—will not only attract new audiences; it will often be embraced, eventually, by cultural gatekeepers. On the front page of the *Los Angeles Times*, the image teasing Eisner's obituary was not an anguished old man yearning to God but a lithe young Spirit punching out a crook. ◻

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

School Performance Matters

EDUCATION NEXT
JOURNAL OF OPINION AND RESEARCH



SUBSCRIBE
Receive four quarterly issues at the rate of $20.

FREE ISSUE
Receive a complimentary sue of the latest Education Next without obligation.

ll 800.935.2882 or visit ww.educationnext.org

In recent weeks, two separate reports on international student performance were released. **The performance of students in the United States has remained consistent over the past three decades—dismal.** On the Program for International Student Assessment (PISA) mathematics tests, U.S. fifteen-year-olds tied for twenty-seventh out of thirty-nine, outscoring students of such systems as Turkey, Mexico, and Tunisia. In 1995, on the Trends in International Mathematics and Science Study (TIMSS), U.S. students ranked in the top half of the distribution, which included more developing countries, but showed mixed performance gains compared to other nations taking the tests.

The usual response in the United States to announcements of such international results is to ignore them. After that, it is convenient just to explain them away: other countries test a more selective group of students, or the tests do not match our normal curriculum. Neither story is convincing, but with the general indifference to the results they do not have to be.

These results, however, should be taken very seriously. Research demonstrates that the skills measured on these tests are important in the labor market and have a substantial effect on national growth rates. Existing evidence indicates that the scores' importance to national growth is hard to overstate.

If the performance of U.S. students were to reach the middle of that of European students (still noticeably below the top), according to historical data, the U.S. economy could realize a half of 1 percent boost in its annual growth rate. Half of 1 percent sounds like a small difference, but it is in fact a very large number. The United States currently has a GDP per capita of $38,000. A half percent of additional annual growth would lift this by $2,000 per person after just ten years. In fact, the United States has achieved its economic position by outstripping the rest of the world in growth over the twentieth century.

Of course, improving our schools takes time, as does observing the impact on the economy. If we improved our student performance over the next few years, it would have no immediately discernible affect. Students are not yet in the labor force, and it takes some time before the new, higher-skilled students become a substantial part of the nation's workers. But if the improvements sketched above could be achieved within twenty years, the growth dividend could cover *all* of our national K–12 expenditures by 2040.

Other nations, taking the results of international assessments seriously, have used their poor performance as a lever to bring about changes in their schools. **It is time for us to take our poor performance seriously.** Lots of things have been done to change schools over the past two decades, but they have not led to much overall improvement, which reinforces the idea that maintaining the current structure and simply doing more of it is unlikely to yield results. Instead, "radical" ideas such as results-driven accountability, expanded school choice, and stronger rewards for schools that improve on their performance are obvious ways to turn.

—Eric A. Hanushek

Eric A. Hanushek is the Paul and Jean Hanna Senior Fellow at the Hoover Institution and a member of Hoover's Koret Task Force on K–12 Education.

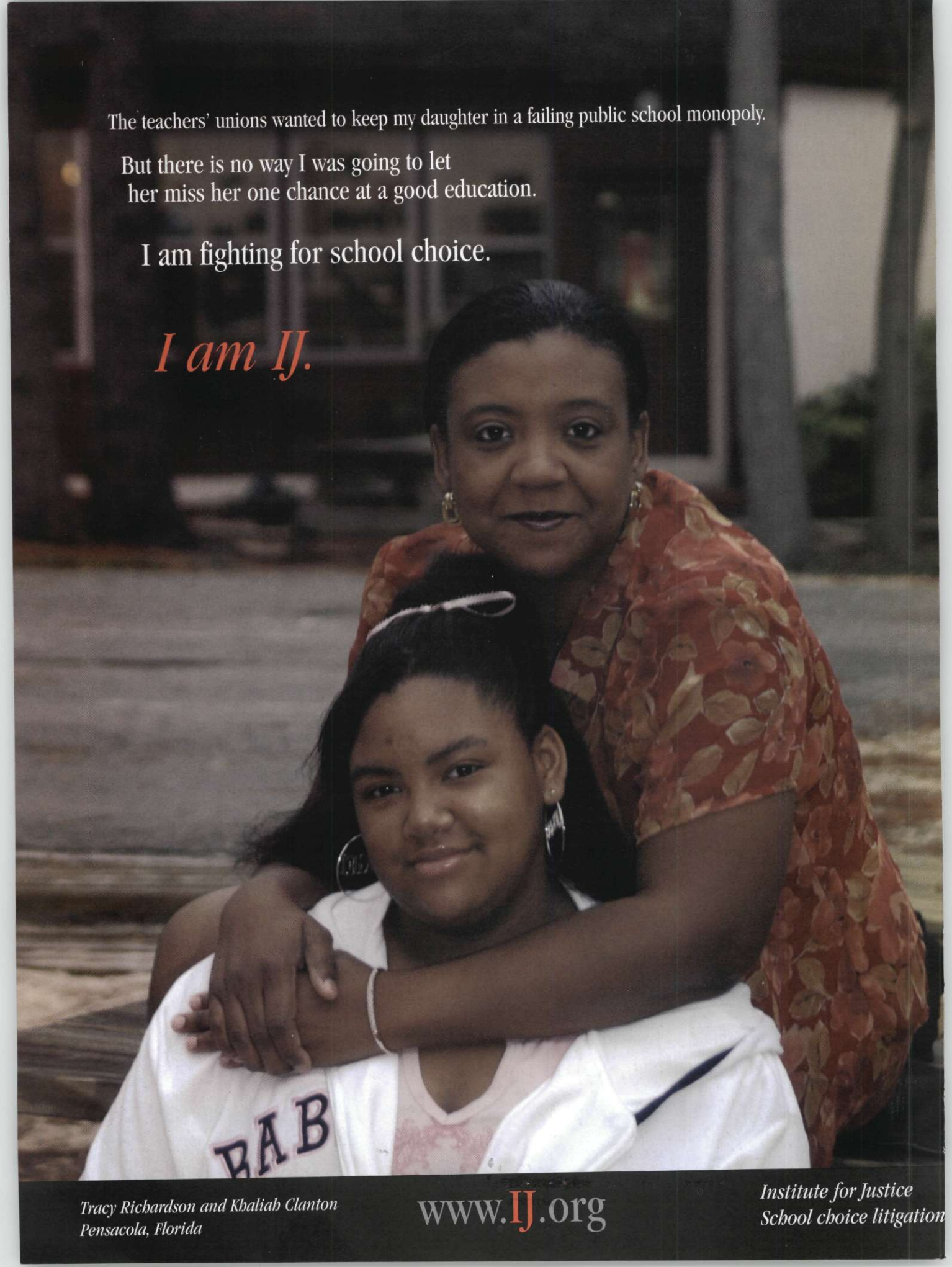
Paid for by the Hoover Institution, Stanford University.

HOOVER INSTITUTION

. . . ideas defining a free society

TANFORD UNIVERSITY, Stanford California 94305-6010 Toll-free: 877.466.8374 Fax: 650.723.1687 info@hoover.stanford.edu www.hoover.org

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED


The teachers' unions wanted to keep my daughter in a failing public school monopoly.
But there is no way I was going to let her miss her one chance at a good education.
I am fighting for school choice.
I am IJ.
Tracy Richardson and Khaliah Clanton
Pensacola, Florida
www.IJ.org
Institute for Justice
School choice litigation

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED